

NATIONAL MARINE FISHERIES SERVICE

JOINT MEETING OF THE BILLFISH  
AND HMS ADVISORY PANELS

Thursday, June 10, 1999

1:00 p.m.

NOAA Science Center  
1301 East-West Highway  
Silver Spring, Maryland

## PARTICIPANTS:

Irby Basco  
Nelson Beideman  
Randy Blankinship  
Raymond Bogan  
Karyl Brewster-Geisz  
Jose Campos  
Maumus Claverie  
Jack Dunnigan  
James Donofrio  
Bob Eakes  
Robert Fitzpatrick  
Sonja Fordham  
John Graves  
Robert Hayes  
Robert Hueter  
Ed Irby  
Pete Jensen  
Gail Johnson  
Rob Kramer  
Rebecca Lent  
Steven Loga  
Linda Lucas  
Gary Matlock  
Joe McBride  
Charlie Moore  
Russell Nelson  
Ellen Peel  
Corky Perett  
Richard Ruais  
Carl Safina  
Mark Sampson  
Robert Spaeth  
Alan Weiss  
Peter Weiss  
David Wilmot  
John Wingard  
Robert Zales

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## 1 P R O C E E D I N G S

2 MS. LENT: Good afternoon and welcome. Okay,  
3 welcome. Please take a seat. I believe this is like  
4 our 16th or 17th meeting if you count all the advisory  
5 panels, and it's probably the third or fourth joint  
6 meeting. Probably most importantly, this is our first  
7 joint meeting of the APs, or any AP meeting, since the  
8 final FMP and amendment and rule have been out so this  
9 is the start of our new beginning which is using our  
10 blueprint and moving forward.

11 For those of you I haven't met yet, my name is  
12 Rebecca Lent. I am the chief of the Highly Migratory  
13 Species Management Division. Gary Matlock was planning  
14 on being here today but he had an unexpected court date  
15 and he's not here, nor is Miriam McCall. Jack  
16 Dunnigan, who is our moderator for this joint meeting,  
17 gracefully gave up the one seat left on the plane this  
18 morning so that I could get here on time and he'll be  
19 here in about an hour and Jack Dunnigan will be our  
20 moderator.

21 Just on other housekeeping issues, you've all  
22 got your agenda. We will be circulating a packet of

1 information relative to how to get your refund. It's a  
2 very important process. Be sure and follow all the  
3 directions.

4 Also, I would note that tomorrow morning at 8  
5 o'clock we will have a meeting for only folks on the  
6 HMS AP. It's open to the public so billfish are  
7 welcome to come, but because we're discussing an issue  
8 that's relevant only to the HMS FMP that will be the  
9 priority is to call on those folks to speak and then  
10 we'll hear from folks on the floor as well.

11 And just relative to the agenda then, I'm  
12 going to speak for probably much less than an hour. We  
13 want to move right into some of our presentations  
14 relative to the time/area closures. After the break  
15 from 4:00 to 6:00 we'll have a public comment period  
16 and I hope that all of the members of the public, and  
17 perhaps even more importantly, the members of the AP  
18 will stick around to listen to the comments from folks  
19 from the floor.

20 Before we go any further, I would like to go  
21 around the table.

22 A PARTICIPANT: (Inaudible.)

1 MS. LENT: Yeah, just a quick announcement  
2 regarding handouts. We'll have more copies of the  
3 billfish amendment and volume three of the FMP later  
4 this afternoon. Apparently there has been a bomb scare  
5 or some kind of a scare and they had to evacuate our  
6 building.

7 A PARTICIPANT: It was a fire.

8 MS. LENT: It was a fire scare. That's better  
9 than a bomb scare. Thank you. And we can't get back  
10 in there. Or, can we get back in now?

11 A PARTICIPANT: Yes.

12 MS. LENT: We're back in. We're back in  
13 business. Okay, so let me go around the table starting  
14 on my left.

15 MS. LURES: I'm Katherine Lures. I work with  
16 Miriam McCall in NOAA GC.

17 MR. SUTTER: Buck Sutter, Billfish Team  
18 leader.

19 MR. BLANKENSHIP: Randy Blankinship, Texas  
20 Parks and Wildlife Department from Brownsville, Texas.

21 MR. KRAMER: Rob Kramer, Florida Department of  
22 Environmental Protection.

1                   MS. PEEL: Ellen Peel, the Billfish  
2 Foundation, Fort Lauderdale.

3                   MR. MOORE: Charlie Moore, South Carolina DNR.

4                   MR. NELSON: Russell Nelson, Director of  
5 Marine Fisheries, Florida.

6                   MR. HUETER: Bob Hueter, Mote Marine  
7 Laboratory.

8                   MR. JENSEN: Pete Jensen, Maryland Fisheries  
9 and the Mid-Atlantic Council.

10                  MR. FITZPATRICK: Robert Fitzpatrick, Maguro  
11 America.

12                  MR. BEIDEMAN: Nelson Beideman, Blue Water  
13 Fisherman's Association.

14                  MS. JOHNSON: Gail Johnson, fishing vessel  
15 Seneca.

16                  MR. HUDSON: Russ Hudson, directed shark.

17                  MR. SPAETH: Bob Spaeth, Southern Offshore  
18 Fishing Association.

19                  MR. SANOVA: Miguel Sanova, chairperson,  
20 Caribbean Fishing Council.

21                  MR. WILMOT: David Wilmot, Ocean Wildlife  
22 Campaign.

1                   MR. DUNN: Russ Dunn, Ocean Wildlife Campaign,  
2     filling in for Carl Safina.

3                   MR. LOGA: Steven Loga, Tuna Fresh,  
4     Incorporated, Louisiana.

5                   MR. GRAVES: John Graves, Virginia Institute  
6     of Marine Science representing the ICCAT Advisory  
7     Committee members.

8                   MS. LENT: And just -- and Corky. And Ed, do  
9     you want to introduce --

10                  A PARTICIPANT: (Inaudible.)

11                  MR. CLAVERIE: Mau Claverie, Gulf Council.

12                  MS. LENT: Thank you. Thank you very much.

13     All right, let me just do a quick recap of the meeting  
14     objectives. This is something that Gary wanted to do  
15     this afternoon but, as I said, he wasn't able to be  
16     with us.

17                  The objective of the meeting is to focus on  
18     two issues that we want to work on for continued  
19     management of highly migratory species, and these are  
20     issues which could be addressed through the framework  
21     provisions of the plan. The first issue is time/area  
22     closures for reducing bi-catch and the focus there is



1 on juvenile swordfish and billfish as well as other  
2 factors and fish, and the second issue is the cap on  
3 the purse seine bluefin tuna quota allocation.

4 As we review these issues, we would expect  
5 advisory panel members to base their input and their  
6 comments on how the various options for addressing  
7 these issues could help us or not help us meet the  
8 objectives of our fishery management plan.

9 The new world order is we now have a Fishery  
10 Management Plan for highly migratory species. We have  
11 Amendment One for billfish. We are also managing some  
12 of these species -- well, tunas for the first time --  
13 under Magnuson-Stevens so we have to consider for all  
14 of the species what the impacts are, what are the  
15 aspects relative to the national standards, so keep  
16 those in mind. I'm going to do a quick overview of the  
17 framework process and of the objectives in a second.

18 And we know that there is a lot of interest in  
19 many other issues other than these two. We would ask  
20 that as those issues come up we just keep a list of  
21 them and that we discuss them tomorrow afternoon when  
22 we have a space on our agenda for other topics. In

1 fact, we want to make sure that tomorrow afternoon we  
2 have a chance to get some input from the advisory panel  
3 and, if possible, from folks on the floor. And we'll  
4 hear from the folks tonight on other priority issues  
5 that you think we need to address.

6 As I said, the final FMP is not the final  
7 word. It's our blueprint for the future. It's our  
8 framework under which we're going to operate, and we  
9 know that there is just as much, if not more, work  
10 ahead of us than we had in getting these plans  
11 together.

12 Okay? So that's relative to the objectives of  
13 the meeting. Any questions on that? Mau.

14 MR. CLAVERIE: Rebecca, do you have any  
15 corrections or addenda to the regulations because, if  
16 you do, we'd like to hear them tonight before thinking  
17 about it overnight.

18 MS. LENT: I don't have any pre-prepared, but  
19 we will have a technical amendment shortly. And, Mau,  
20 if you have a list we'd be pleased if you could help  
21 us.

22 Any other questions relative to the objectives

1 of this meeting?

2 (No response.)

3 MS. LENT: Okay, then let's move on into a  
4 quick summary and overview of the framework issues.  
5 Now, we had available for handouts the sections of the  
6 FMP and the amendment that discuss the framework  
7 procedure for these plans as well as the objectives,  
8 and in the case of billfish we had the objectives in  
9 the original FMP, plus the new ones under amendment  
10 one. So pull those out and keep those in front of you.

11 Again, what we're trying to do is make sure  
12 that as we discuss these issues we make an argument for  
13 or against how one option might or might not help us  
14 meet that objective.

15 So the framework provisions under both HMS and  
16 billfish allow us to make adjustments to the  
17 regulations in a fashion that involves rulemaking,  
18 proposals, public hearings, final rules, all sorts of  
19 analyses, slightly more quick or slightly more  
20 expediently than under an amendment process, but not  
21 much. The amendment process -- the rulemaking process  
22 under Highly Migratory Species is pretty thorough in

1 terms of its input and meaning.

2           The adjustments to these regulations should  
3 meet the management objectives of the FMP as well as  
4 the national standards. You base the needs for  
5 adjustment on the annual safe report as well as  
6 deliberations that we have right here in the advisory  
7 panel and, again, tomorrow afternoon we'll be looking  
8 at other hot issues as they come out.

9           By the way, as you know, we already have our  
10 first proposed rule issued under the framework  
11 provisions of the plan, and that is a proposed rule  
12 relative to the use of spotter planes in bluefin tuna,  
13 so that we're already underway with our blueprint for  
14 the future.

15           The FMP and EIS which we've already prepared  
16 constitutes the safe report for 1999 and then each year  
17 starting in the year 2000 we'll have a new safe report.

18           In the case of time/area closures, I just want  
19 to add a quick footnote relative to the public  
20 comments. Virtually all the comments we received from  
21 the recreational constituency, from the commercial  
22 constituency, from the environmental community,

1 indicated that the time/area closure that we had  
2 proposed would be ineffective. One of the biggest  
3 concerns was that it was too small and that there might  
4 be fishing around the edge and that the displaced  
5 effort would just obliterate any benefits from this  
6 time/area closure.

7           So we went back to the drawing board and we've  
8 conducted some more analyses and it's in the light of  
9 those new analyses that we wanted to, as soon as we  
10 could, call this meeting because this is an issue that  
11 we considered top priority. It really needs to be  
12 addressed and, indeed, it's been a criticism of the FMP  
13 since it's been out.

14           Now take a look at your management objectives  
15 in the HMS FMP and billfish FMP. Just very quickly,  
16 you might want to check off some of those, first of  
17 all, that we feel would be relevant to looking at  
18 time/area closures. Under the HMS FMP there is the  
19 objective to minimize to the extent practicable bi-  
20 catch of living marine resources. Obviously, that's a  
21 key point here.

22           There are also several objectives related to

1     overfishing and rebuilding of these stocks. If we're  
2     reducing juvenile mortality or bi-catch mortality,  
3     we're contributing to rebuilding.

4             We also have an objective to minimize to the  
5     extent possible economic displacement and other adverse  
6     impacts on fishing communities as we transit from  
7     overfished to healthy ones. That's relevant as well.

8             And, of course, objectives related to the  
9     ICCAT -- to implementing ICCAT recommendations. We do  
10    have an ICCAT recommendation that says we should  
11    minimize the bi-catch of juvenile swordfish as well as  
12    billfish.

13            And in the billfish FMP, again, minimizing bi-  
14    catch and discard mortality, all the objectives related  
15    to overfishing, minimizing the adverse social and  
16    economic effects to the extent practicable, ICCAT  
17    implementations and, from the original FMP for  
18    billfish, maintaining the highest availability of  
19    billfish to the recreational fishery.

20            Under the national standards of course for bi-  
21    catch, which you want to refer to as National Standard  
22    Nine. National Standard One is also relevant, optimum

1     yield. National Standard Eight, taking into account  
2     the effects on communities. National Standard Ten is  
3     also an issue as we look at time/area closures, safety  
4     at sea. We want to make sure we're doing what we can  
5     to minimize the effects on the safety of fishing  
6     vessels.

7             For the purse seine cap we'll be talking about  
8     this again starting tomorrow morning at 8:00. We'll  
9     have, of course, public comment and discussion at 4  
10    o'clock today.

11            Objectives in the HMS FMP that might be  
12    relevant: minimizing to the extent practicable  
13    economic displacement and other adverse impacts on  
14    fishing communities; providing the data necessary for  
15    assessing fish stocks; consistent with other objectives  
16    of the FMP, managing for optimum yield, to provide  
17    recreational opportunities, preserve traditional  
18    fisheries, et cetera; better coordinate domestic  
19    conservation and management of the fisheries  
20    considering...historical fishing patterns and  
21    participation.

22            Under the national standards, some of the

1 standards you might want to consider in evaluating  
2 options relative to the bluefin tuna purse seine cap,  
3 conservation and management measures should not  
4 discriminate between residents of different states,  
5 allocations should be fair and equitable, et cetera.

6 National Standard Five, no measure shall have  
7 economic allocation as its sole purpose. National  
8 Standard Eight, again, a sustained participation of  
9 communities, minimizing adverse economic impacts on  
10 such communities.

11 So that's just a little bit of background and  
12 encouraging you to rely upon the FMP objectives, rely  
13 upon the national standards as you review those and  
14 interpret them relative to the different options we  
15 have for the issues that we're discussing. That helps  
16 us write a better rule, if indeed we proceed with  
17 rulemaking, and it helps us support what the different  
18 alternatives would be, the pros and the cons, and how  
19 they help us with our fishery management objectives.

20 Okay? Any questions relative to that? Yes,  
21 Mau.

22 MR. CLAVERIE: As you are aware, I want to add



1 another criteria but it's really probably a subset of  
2 one. Do we do that now or later, and just how do we go  
3 about doing that?

4 MS. LENT: Why don't you go ahead, Mau.

5 MR. CLAVERIE: Okay, I've got to get my act  
6 together because I just got these papers. Objective  
7 one in the billfish plan is -- not objective, problem.

8 A PARTICIPANT: (Inaudible) microphone  
9 (inaudible).

10 MR. CLAVERIE: Okay, sorry. All these mikes  
11 work different. Is that okay?

12 A PARTICIPANT: (Inaudible.)

13 MR. CLAVERIE: Can you turn the thing up?  
14 Okay. In the billfish plan problem one, not objective  
15 one, problem one, is intense competition for the  
16 available resource between the recreational fishery for  
17 billfish and the other fisheries that have a bi-catch  
18 of billfish.

19 And I want to add that in as a subcriteria  
20 under one of the objectives in the billfish FMP but I'm  
21 looking through to see which one. It's the one about -  
22 - apparently number eight. I think that's where it

1       would go. I'm not locked in on that. There might be a  
2       better place elsewhere.

3               MS. LENT: Okay, thank you, Mau.

4               MR. CLAVERIE: So I don't know how that gets  
5       done but --

6               MS. LENT: You've made that statement on the  
7       floor and when folks are discussing the pros and the  
8       cons I think -- hit that button again, Mau -- we can  
9       consider that.

10              The emphasis is on reducing bi-catch of  
11      juvenile swordfish and billfish. There are other  
12      factors to consider including protected species,  
13      including economic displacement, safety, interaction  
14      between different gear types. That's certainly part of  
15      the discussion in the pros and the cons.

16              Any other comments relative to this? And,  
17      Rich, why don't you introduce yourself. You missed --

18              MR. RUAIS: Rich Ruais, East Coast Tuna  
19      Association. Sorry for being a few minutes late. Are  
20      you on the agenda right now or are you past that? I  
21      just had a comment on the agenda.

22              MS. LENT: Well, I guess we didn't do a formal

1 adoption of the agenda. Would you like to do that?

2 MR. CLAVERIE: (Inaudible.)

3 MR. RUAIS: Thank you, Mau. I appreciate  
4 that.

5 MS. LENT: Go ahead. We sort of went over it  
6 quickly.

7 MR. RUAIS: Okay. Well, the comment I had was  
8 that on the draft agenda I recall there was an item on  
9 the second day where there was going to be a  
10 presentation on the purse seine cap and now I see that  
11 it's just a discussion. And that's fine with me.

12 I'm not suggesting you need to do any kind of  
13 a presentation, but if there is going to be anything  
14 from the agency though, I was going to ask that you put  
15 it prior to the public comment period today rather than  
16 wait until tomorrow, recognizing that it would probably  
17 be short whatever it was you were going to do anyways.

18 MS. LENT: Thanks, Rich, for that comment. In  
19 fact, the main points that I wanted to make was here we  
20 go, we have something we can do under frameworking,  
21 what is frameworking all about, what are the management  
22 objectives and the national standards that apply. So I

1     folded it into what I just did and there is certainly  
2     no problem with sort of doing a recall at 4 o'clock if  
3     we need do.

4             Okay, since Rich is here why don't we go down  
5     and -- we missed some introductions. Linda, do you  
6     want to say good afternoon?

7             MS. LUCAS: Linda Lucas, Economics Department,  
8     Eckerd College.

9             MR. WINGER: John Winger, Department of  
10    Anthropology, University of Memphis.

11            MS. LENT: Bob and Rusty, do you want to  
12    introduce yourselves or are you going to be incognito?

13            MR. SPAETH: I already did. Bob Spaeth,  
14    Southern Offshore Fishing Association, Madeira Beach,  
15    Florida.

16            MR. HUDSON: Rusty Hudson, directed shark,  
17    Daytona Florida.

18            MS. LENT: Did everybody around the table then  
19    -- okay. If there are no more questions, we are going  
20    to proceed to agenda item -- well, I guess the  
21    presentation and discussion on time/area closure.

22            Again, for those of you who missed the

1 introduction, Jack Dunnigan is on his way here and he  
2 will be moderating the discussion. We're going to  
3 start with a presentation of the analyses by the  
4 National Marine Fisheries Service. After that, I'm  
5 going to ask the AP members if they have presentations  
6 they would like to make or someone on their behalf to  
7 come forward as well.

8           So, Karyl, why don't you come on forward. And  
9 I believe everybody has handouts relative to your  
10 presentation, right?

11           MS. BREWSTER-GEISZ: I'll try to speak into  
12 this but if I miss for some reason, just let me know.  
13 As Rebecca was saying, we are trying to do some  
14 time/area closures. We have two goals on this: first,  
15 to reduce the discards of juvenile swordfish; and our  
16 second goal is to reduce the discards of billfish.

17           So when we first start with this, we need to  
18 take a look at where the discards are occurring. So I  
19 plotted out some maps. This is for swordfish discards  
20 between '96 and '97. Everybody should have these.  
21 These are by quarter. The same symbol on each map  
22 means the same amount of fish. Some maps don't have

1 the symbol simply because there weren't any fish caught  
2 within that range.

3 For swordfish discards, as you can see, most  
4 of them seem to occur in quarter three and four right  
5 along the east coast of Florida. We've seen this  
6 before in some of Jean Kramer's stuff and what we  
7 proposed in the draft FMP.

8 I've also plotted out blue marlin. The  
9 billfish, as you'll see, is different than the  
10 swordfish in that we actually have two areas to look  
11 at. We have the Gulf of Mexico and we also have right  
12 off the east coast of Florida, but they are slightly  
13 different time frames than swordfish. The swordfish  
14 happened on the east coast of Florida in the third  
15 quarter and the fourth quarter. For billfish we're  
16 looking at quarters two and three for the most part.  
17 And you have it for sailfish, the same sort of thing,  
18 and the same type of thing for white marlin.

19 So this is just a quick overview of where  
20 we're looking. Based on these maps, I picked out some  
21 areas to look at. I'll start with the swordfish  
22 time/area closure.

1           Before I actually go over the areas, I'd like  
2   to show you what we like, what we're looking for, if  
3   you turn to the graph labeled SWO-3 up at the top.  
4   I'll wait till it looks like everybody has it. You  
5   should have two packages, one with billfish stuff and  
6   one with swordfish stuff. Okay.

7           These graphs are a little bit hard. First of  
8   all, anything above zero percent actually means a  
9   reduction in the number of fish that we're seeing so,  
10  for instance, this top bar going across, swordfish  
11  discards, we actually can get a reduction in discards  
12  up to about 20 percent. Anything below zero percent is  
13  an increase in the number of fish.

14           A PARTICIPANT: (Inaudible.)

15           MS. BREWSTER-GEISZ: It's an increase in the  
16  number of fish throughout the Atlantic and Gulf of  
17  Mexico. It depends upon what fish. If you look at  
18  these pluses going down, they are pelagic shark  
19  discards so, in that case, it would be an increase in  
20  the pelagic shark discards. But you can also see the  
21  bays are down below zero percent. That's an increase  
22  in the number of bays kept.

1 Does everybody understand that? No.

2 A PARTICIPANT: On the bottom axis, months  
3 closed, is that if you close it for one month, two  
4 months, three months? And what month is it?

5 MS. BREWSTER-GEISZ: Okay. What this is is  
6 this is looking at it cumulatively and you see the  
7 numbers ten, eight, twelve, nine. So if you close  
8 October, this is the percentages you would expect. If  
9 you close October and August, those are the percentages  
10 you would expect. And so by the very end you're  
11 closing all the months.

12 Why they're in such a weird order instead of  
13 going January, February, March, is because I sorted it  
14 by discard per unit effort, so October has the greatest  
15 swordfish discard per unit effort, followed by August,  
16 and May has the lowest discard per unit effort.

17 A PARTICIPANT: (Inaudible.)

18 MS. BREWSTER-GEISZ: Right, the swordfish  
19 discards.

20 A PARTICIPANT: (Inaudible.)

21 MS. BREWSTER-GEISZ: Right.

22 A PARTICIPANT: (Inaudible.)



1 MS. BREWSTER-GEISZ: In October you can get  
2 about probably 4 percent reduction over the entire  
3 Atlantic and Gulf of Mexico if you close this  
4 particular area.

5 A PARTICIPANT: (Inaudible.)

6 MS. BREWSTER-GEISZ: No. If you close October  
7 and August, eight and ten, both of those months  
8 together, you'll get probably an 8 percent reduction in  
9 swordfish discards.

10 A PARTICIPANT: (Inaudible.)

11 MS. BREWSTER-GEISZ: Right. Nelson.

12 MR. BEIDEMAN: Nelson Beideman, Blue Water.  
13 As a general comment to Rebecca, Rebecca, I've been  
14 working with this stuff, you know, pretty intensively  
15 for quite a while, but just sitting down here and  
16 getting this stuff is very difficult even for me. I  
17 know it's got to be difficult for the rest.

18 But, Karyl, how is this different from the  
19 information that we got two years ago and one year ago  
20 and six months ago in presentations from Jean Kramer?

21 MS. BREWSTER-GEISZ: (Inaudible.)

22 MR. BEIDEMAN: Are there substantial

1 differences or --

2 A PARTICIPANT: (Inaudible) microphone.

3 MS. BREWSTER-GEISZ: I didn't realize it had  
4 gone off. It's a very different analysis. It's taking  
5 into account different areas. It's taking into account  
6 displacement, and it's taking into account all the  
7 landings throughout the Atlantic and Gulf of Mexico and  
8 all the discards. So we've expanded the analysis based  
9 on a lot of the comments we received on the draft FMP.

10 MR. BEIDEMAN: Okay. And this is still just  
11 through '97?

12 MS. BREWSTER-GEISZ: All of this incorporates  
13 '96 and '97. We chose those years because in '95 the  
14 weird change between the season occurred.

15 MR. BEIDEMAN: Did you find substantial  
16 differences, because what we've been working on is Jean  
17 Kramer/Jerry Scott's analysis of, you know, basic areas  
18 where over 50 percent of the catch is discarded dead as  
19 hot spot areas.

20 MS. BREWSTER-GEISZ: Right. We didn't look at  
21 any of that. This is straight -- this is everybody,  
22 everything that has been recorded landed or reported

1       discards. It's not limited between 50 percent of the  
2       sets occurred in this area and 25 sets a year, or what  
3       your criteria --

4               MR. BEIDEMAN: Right. So this is not hot  
5       spot. This is more scattered -- scatter-gun?

6               MS. BREWSTER-GEISZ: I started with those  
7       plots that I showed you and then I picked areas from  
8       that. And right now I'm trying to explain how these  
9       graphs work.

10              MR. BEIDEMAN: Okay, thank you.

11              MS. BREWSTER-GEISZ: Go ahead.

12              A PARTICIPANT: So real basic here. This  
13       SWO-3 means that the percentage is the percentage of  
14       that amount of fish that is caught in the area bounded  
15       by the SWO-3?

16              MS. BREWSTER-GEISZ: Yeah. I'll be getting to  
17       what the actual areas are.

18              A PARTICIPANT: Okay, I'm getting ahead of you  
19       then.

20              MS. BREWSTER-GEISZ: Yeah.

21              A PARTICIPANT: (Inaudible.)

22              MS. BREWSTER-GEISZ: Go ahead, Ellen.

1 MS. PEEL: Before we move on, I just want to  
2 make sure -- you know, I hate to ask something that's  
3 probably perfectly clear to you but --

4 MS. BREWSTER-GEISZ: No, not necessarily.

5 MS. PEEL: For instance, on swordfish where  
6 you've got the open triangle, to get a 15 percent  
7 reduction, is it reading it correctly to say you'd have  
8 to close October, August, December, September, November  
9 and March, it looks like, to increase --

10 MS. BREWSTER-GEISZ: Yes, you would need to  
11 close --

12 MS. PEEL: To increase what? Discards?

13 MS. BREWSTER-GEISZ: Right.

14 MS. PEEL: To decrease your discard?

15 MS. BREWSTER-GEISZ: Yes.

16 MS. PEEL: Okay.

17 MS. BREWSTER-GEISZ: Go ahead.

18 MS. PEEL: I just wanted to make sure I was  
19 reading the -- decreasing discards or increasing  
20 retention is what you're -- or increasing discards.  
21 All right, okay, I just wanted to make sure I was  
22 reading it right.

1 MS. BREWSTER-GEISZ: Okay.

2 A PARTICIPANT: Karyl, you said you sorted --  
3 the order of the months is sorted according to least  
4 discard per unit effort to the most discard per unit  
5 effort?

6 MS. BREWSTER-GEISZ: The greatest discard to  
7 the least discard per unit effort.

8 A PARTICIPANT: So --

9 MS. BREWSTER-GEISZ: Yes, so October has the  
10 greatest and May has the least.

11 A PARTICIPANT: Of what, though? Of  
12 swordfish?

13 MS. BREWSTER-GEISZ: Swordfish discard per  
14 unit effort in that area.

15 A PARTICIPANT: So what do all the rest of  
16 these plots on this particular graph mean? Do they  
17 mean anything since they are dealing with other  
18 species?

19 MS. BREWSTER-GEISZ: Okay. If -- you're  
20 looking at the swordfish discard line.

21 A PARTICIPANT: Right.

22 MS. BREWSTER-GEISZ: If you want to maximize

1 the reduction in swordfish discards, you would go over  
2 to, I guess that's June, and if you close the entire  
3 year in this area up to June you would see not only a  
4 reduction in swordfish discards of about 20 percent;  
5 you would also see a reduction in sailfish discards of  
6 about 15 percent, a reduction in white marlin discards  
7 of almost 5 percent.

8           So it's taking into account what else is being  
9 landed in the area and how well they're doing, because  
10 we're trying to reduce the swordfish discards and  
11 hopefully billfish discards as well, but without really  
12 affecting what else is being caught.

13           A PARTICIPANT: Okay. Now I understand that.  
14 Now I understand arithmetically why you would plot this  
15 the way you did, but from a management perspective is  
16 that practical to pull months, you know, different  
17 times of the year, and order them in that way?

18           MS. BREWSTER-GEISZ: We need to choose some  
19 time for a time/area closure. This is one way of doing  
20 it. We are also looking at quarters but I haven't  
21 quite figured -- finished that analysis yet. We're  
22 looking at the entire year.

1 MS. LENT: Let me just add to that. In fact,  
2 when we're discussing the pros and cons of different  
3 options, obviously from an enforcement point of view  
4 and facility of planning and everything, it would be  
5 preferable to have consecutive months. In fact, we  
6 often find that the months are clustered and it makes  
7 sense.

8 MS. BREWSTER-GEISZ: Go ahead.

9 MR. PERETT: I apologize. I'm still not --

10 MS. LENT: Please say your name before you  
11 speak.

12 MR. PERETT: Corky Perett. Can we take one of  
13 the lines on swordfish on -- or let me use the  
14 swordfish discard, again the open triangles.

15 MS. BREWSTER-GEISZ: Yes.

16 MR. PERETT: On the left we start with month  
17 ten and it looks like it's around 5 percent.

18 MS. BREWSTER-GEISZ: Yes.

19 MR. PERETT: And as we go forward, ten to  
20 eighth month, it's a cumulative thing. I'm correct so  
21 far. Well, then would you explain to me how after ten  
22 months we get to June and we're approaching roughly 20

1     percent, how does it then go down when you've got two  
2     more months in the year?

3             MS. BREWSTER-GEISZ:  It's all because of the  
4     displacement.  The displacement does funky things.

5             MR. PERETT:  But it at best has got to stay  
6     even if there is no discards whatsoever during those  
7     latter two months of April and May.  How does it  
8     actually go down?

9             MS. BREWSTER-GEISZ:  It goes down because the  
10    boats are being displaced into areas that during April  
11    and May have greater effort.

12            Go ahead.

13            MS. LENT:  Let me just add a point to Corky's  
14    -- this is something that's very important.  Relative  
15    to everything else you've seen prior to this except for  
16    the bluefin time/area analyses, these numbers take into  
17    account displaced effort.  They say let's close this  
18    area and this time and this -- close this area in this  
19    time.

20            But it doesn't assume that those sets go away.  
21    It assumes that the sets are going to be made somewhere  
22    outside the area, and there's an assumption made about



1     where those sets will be redistributed. That's why  
2     it's the net effect. It's a very important difference  
3     with what Jean Kramer has done in the past.

4             MS. BREWSTER-GEISZ: It also has to do with  
5     the catch occurring in the entire Atlantic and Gulf.

6             A PARTICIPANT: The entire Atlantic or the US  
7     of A?

8             MS. BREWSTER-GEISZ: U.S. Go ahead.

9             MR. MOORE: Charlie Moore, South Carolina. If  
10    you look at, like, white marlin discards, if you look  
11    at that one, and it seems to indicate that as you go  
12    below the line you have more fish, I don't see how it  
13    decreases.

14            MS. BREWSTER-GEISZ: It doesn't decrease the  
15    white marlin. I'm sorry, did I say --

16            MS. PEEL: You said earlier it did.

17            MS. BREWSTER-GEISZ: I'm sorry. I meant this  
18    line, which is the swordfish kept. I must have just  
19    mispoke.

20            MS. PEEL: Yeah, you said white --

21            MS. BREWSTER-GEISZ: Sorry. Go ahead.

22            MR. NELSON: Russell Nelson. How did you

1     handle displacement of effort? I mean, that seems to  
2     be a fairly important --

3             MS. BREWSTER-GEISZ: Right. I started with  
4     this area that I'll call SWO-3. I assumed that all of  
5     the hooks that were in that area, if we closed it  
6     during a certain month, went anywhere within 4 degrees  
7     of that area. So four degrees outside that area in all  
8     directions. And that area kept its same catch per unit  
9     effort and discard per unit effort; it just happened to  
10    have more effort.

11            MR. MOORE: So you distributed any direction  
12    in four degrees?

13            MS. BREWSTER-GEISZ: Any directions four  
14    degrees outside that area.

15            MR. MOORE: Was there a basis for that  
16    assumption? I mean, some kind of --

17            MS. BREWSTER-GEISZ: We can change that  
18    assumption.

19            MR. MOORE: Well --

20            MS. BREWSTER-GEISZ: That's what I started  
21    with now.

22            A PARTICIPANT: (Inaudible.)

1 MS. BREWSTER-GEISZ: Go ahead, Nel.

2 MR. BEIDEMAN: What Russell is saying is, you  
3 know, very important. At the last meeting, you know,  
4 we had discussed that the preliminary information on  
5 observer coverage for the FMP proposed area was like 23  
6 dead discards per thousand, south of that 38 dead  
7 discards per thousand, north of that 17 discards per  
8 thousand, and north of that area 13 discards per  
9 thousand.

10 So it's very important where that displaced  
11 effort may go and factors such as these are small boats  
12 that really can't fish far from shore and the Gulf  
13 stream goes out as you go north would suggest that  
14 they'll basically move toward the south, at least the  
15 smaller boats, into the 38 per thousand rather than the  
16 23 or 17 or 13.

17 MS. BREWSTER-GEISZ: This says they can go  
18 south as well. It's distributed equally in the area of  
19 four degrees around this area, so they could go four  
20 degrees to the south or four degrees to the north.  
21 That's included in the analysis.

22 MR. BEIDEMAN: Okay.

1           A PARTICIPANT: It makes a big difference.

2           MS. BREWSTER-GEISZ: Sorry. Go ahead.

3           MR. CLAVERIE: Can you break out how many of  
4 these discards and kepts are within the 50,000 line or  
5 shallower?

6           MS. BREWSTER-GEISZ: I haven't done that yet.

7           MR. BEIDEMAN: No, because they can't really  
8 break into the one degree but I would say none unless  
9 it's, you know, a piece of gear that's gotten away or  
10 something but really don't drift up into 50 fathoms.

11          MS. BREWSTER-GEISZ: Are there any more  
12 questions? Okay.

13          A PARTICIPANT: A clarification. Did you say  
14 that these numbers represent the percentage of all  
15 swordfish, not just swordfish discarded in that area?

16          MS. BREWSTER-GEISZ: That's correct.

17          A PARTICIPANT: So these curves represent a  
18 percentage of all swordfish?

19          MS. BREWSTER-GEISZ: All the swordfish  
20 reported, yes.

21          A PARTICIPANT: Rebecca, is it your intent to  
22 have this panel suggest to you some percentage

1 reduction or are you going to suggest to us that you  
2 have some target percentage reduction in mind?

3 MS. LENT: Well, this is for the time being,  
4 based on these very preliminary analyses, this would be  
5 our preferred alternative. We obviously have more work  
6 to do and more analyses to conduct. We need to hear  
7 from you indeed on what you think is a good goal and  
8 what are the trade-offs and what about the assumptions.  
9 As Russ and Nelson have pointed out, we have to make  
10 assumptions about displaced effort. Are there better  
11 assumptions to make? Give us some suggestions.

12 A PARTICIPANT: I guess I'm confused. What is  
13 the preferred alternative you're talking about?

14 MS. BREWSTER-GEISZ: SWO-3 for swordfish.

15 A PARTICIPANT: Pardon?

16 MS. LENT: This chart that's SWO-3 out of the  
17 options that we've analyzed so far -- and there is  
18 plenty more analyses we can do -- but this appears to  
19 be the most appealing right now, but we need to hear  
20 from you about the pros and cons about it.

21 A PARTICIPANT: I'm still confused. There's a  
22 lot of choices there. There's one month, two months,

1 three months, four months, five months, six months --

2 MS. BREWSTER-GEISZ: I was getting to that.

3 A PARTICIPANT: And they have some percentage.

4 So has anybody from the stock assessment side given you  
5 any advice on what a 5 percent reduction does to the  
6 stock rebuilding or the rebuilding schedule versus 20  
7 percent?

8 MS. LENT: Well, we know what replacement  
9 yield is and we know what current yield is so we can  
10 make some assessment ourselves within this panel as to  
11 how much this contributes. That's an important goal  
12 but, again, the overarching goal is reducing bi-catch  
13 as much as we can to the extent practicable, et cetera,  
14 et cetera.

15 Now, SWO-3, as Karyl points out, depends on  
16 which months you're going to choose, but it's the one  
17 that appears to have the biggest bang for the buck.  
18 It's able to go the highest. We have to look at all  
19 the effects and all the assumptions.

20 MS. BREWSTER-GEISZ: Right. This one goes  
21 pretty high and it also doesn't really impact a lot of  
22 the other -- the catch or the discards -- all that

1 much. What we've been looking at is going all the way  
2 up to the Asentope (phonetic) up to June, so everything  
3 would be closed in this area except for April and May.  
4 Unless we have changes of assumptions, we have ideas  
5 from the panel of where else to look and what else to  
6 look for.

7 Nelson.

8 MR. BEIDEMAN: Karyl, I'm sorry but my mind  
9 keeps drawing me back to the information that we have  
10 been working with over the past couple years, Jean  
11 Kramer's documents that I'm most familiar with.

12 And what Jean and Jerry had done is laid out,  
13 I believe, eleven two-degree squares where over 50  
14 percent were discarded. And I believe the bottom line  
15 of that was if you shut all these down it would amount  
16 to about 28 percent reduction without redistributing  
17 the effort and only 7 percent reduction with a basic  
18 redistributing of the effort.

19 MS. BREWSTER-GEISZ: That's because they did  
20 it a very different way. They had the criteria of your  
21 50 percent in those areas. We do not.

22 A PARTICIPANT: Again, just to make sure that

1 I got it right, what you did was for this SWO-3 area,  
2 the total number of swordfish caught is the percentage  
3 -- that's the 100 percent from which the other things -  
4 - and then you took the total number of sailfish caught  
5 and figured your reductions and discards in the total  
6 number so that each species has a total number from  
7 which you got the percentage, right?

8 A PARTICIPANT: (Inaudible.)

9 A PARTICIPANT: Again, a clarification.  
10 Looking at SOW-3, am I reading this correctly that if  
11 you close SOW-3 for the entire year, right, you would  
12 get a reduction in discards of swordfish by about 18  
13 percent and you would reduce the actual swordfish  
14 catch, total U.S. catch, by 6 percent?

15 Am I reading that right?

16 MS. BREWSTER-GEISZ: That's correct.

17 A PARTICIPANT: (Inaudible.)

18 A PARTICIPANT: That number, the total number  
19 of swordfish kept, that is -- that number is from the  
20 entire U.S.?

21 MS. BREWSTER-GEISZ: All of this is from the  
22 entire U.S.



1                   A PARTICIPANT: Oh, okay.

2                   MS. BREWSTER-GEISZ: All of this is relative  
3 to the entire --

4                   MR. BEIDEMAN: I have a question. It's a more  
5 general question, probably for Rebecca, and it cuts  
6 across all the different proposals that I've heard of.

7                   And that's, you know, how do we close areas  
8 that are beyond our EEZ, you know, in Bahamian waters,  
9 et cetera? I mean, how is that done? You know, what  
10 is the relevance of that?

11                  MS. LENT: Well, we haven't found a way to do  
12 that yet. Actually, the way this analysis is done,  
13 there is just some big chunks taken, including like  
14 Indianapolis. Obviously, you just sort of, for  
15 purposes of the analyses, you cut out some chunks.

16                  If indeed we go forward with proposals, that  
17 would have to be worded in such a way that anything  
18 that's not in the EEZ is not relevant. I mean, if it's  
19 in somebody else's EEZ it's not relevant.

20                  A PARTICIPANT: Could we close it outside of  
21 our own -- on the high seas?

22                  MS. BREWSTER-GEISZ: Yeah, to U.S. fishermen

1 we could close it beyond the EEZ, yeah. Thanks, good  
2 question.

3 MS. BREWSTER-GEISZ: Now, is everybody clear  
4 on how these graphs work, because this is the whole  
5 basis of what I'll be showing.

6 A PARTICIPANT: (Inaudible.)

7 MS. BREWSTER-GEISZ: Yeah, we'll walk through  
8 more examples. Go ahead.

9 MR. CLAVERIE: I think I'm clear but I'm not  
10 clear on what use we're going to make of these. This  
11 is just the basis for something else so that we get to  
12 some practicality? I'm assuming that the way these  
13 graphs are set up is if you wanted to maximize the bang  
14 for the buck you would pick the months that are  
15 numbered here that show the greatest increase in  
16 percentage change of swordfish discards, and I don't  
17 know about the decrease in swordfish kept. In other  
18 words, if you look at the line between ten and eight,  
19 it goes up pretty good on swordfish discarded.

20 A PARTICIPANT: What graph are you on?

21 MR. CLAVERIE: I'm on SWO-3, the one we've  
22 been discussing. So I assume that means -- I don't

1 know which month that is. I assume that means if you  
2 close the tenth month you get the biggest increase, you  
3 get the biggest number -- I don't know what you would  
4 say. You get the biggest decrease in swordfish  
5 discarded in one month of any month on this graph  
6 because it's the steepest slope.

7 MS. BREWSTER-GEISZ: (Inaudible.)

8 MR. CLAVERIE: It's sort of that way, okay.

9 A PARTICIPANT: Sorted.

10 MR. CLAVERIE: Oh, sorted.

11 MS. LENT: Sorted that way. The why it goes  
12 October, August, December, September, November, is  
13 Karyl arranged for these plots such that the one that  
14 appears first is the one with the highest swordfish  
15 discard per unit effort, then the next highest, then  
16 the next highest, then the next highest. It's not a  
17 random order here.

18 MR. CLAVERIE: Except towards the end it goes  
19 down.

20 MS. LENT: That's because of the displacement,  
21 displaced effort. As the displaced effort goes out  
22 into other areas, it may be pushed off into areas where

1 we didn't have as much effort before and, in fact, we  
2 have high rates of discards. The fishermen have been  
3 avoiding those areas purposefully so you get into some  
4 kind of declining returns.

5 Remember that all of these numbers are net.  
6 It's not just what you lose by taking that effort out  
7 of that area; it's what you lose by displacing effort  
8 from the hot spot to the next closest area. That's  
9 very important because a lot of the things we've looked  
10 at before don't have that displacement. Until you know  
11 that, you don't know the net effect of a time/area  
12 closure. You need this information.

13 And in terms of your first question, Mau, you  
14 know, you're starting to understand but you don't know  
15 what it's all going to lead to. I think this gives us  
16 some numbers, get a start to say where are we zeroing  
17 in. It's not just hot spots. It's more than hot  
18 spots. It's where do people go when they avoid the hot  
19 spots. What's the net effect? And if you can help us  
20 with assumptions on a better way to deal with  
21 displacement, we need to hear about that, too.

22 Trade-offs. There is a lot of trade-offs.

1 We're going to have some increase in discards of other  
2 things that we don't like. We want to know about that,  
3 too.

4 MS. LUCAS: Linda Lucas. Can you tell me  
5 intuitively why SWO-1 and SWO-3 sort of look a lot  
6 alike?

7 MS. BREWSTER-GEISZ: That has to do with the  
8 areas of (inaudible) and areas of (inaudible). Sorry.  
9 I'll be getting into the areas as soon as everybody is  
10 clear on what these graphs mean and do, and then I will  
11 show what the areas are and the other results from  
12 those areas.

13 A PARTICIPANT: SWO-3. And if my objective  
14 was to reduce blue marlin discards, I'm assuming I  
15 would be focused on the months of June, July, and  
16 August. Am I reading this correctly?

17 MS. BREWSTER-GEISZ: What this is showing is I  
18 pretty much focused on swordfish discards for these  
19 areas, billfish discards in the other areas that I  
20 chose. So there is -- you are getting pretty good for  
21 the sailfish and for the blue marlin in certain months  
22 in here.

1           A PARTICIPANT: It looks like October, August,  
2   December, September, and November are blue marlin and  
3   then it gets worse for them after that. Now, these  
4   months are -- you go from October to August.

5           MS. BREWSTER-GEISZ: (Inaudible.)

6           MR. PERETT: Thank you. Corky Perett. Let's  
7   try again, back to basics.

8           MS. BREWSTER-GEISZ: Okay.

9           MR. PERETT: SWO-3 is a geographic  
10   description.

11          MS. BREWSTER-GEISZ: Right.

12          MR. PERETT: And all these pluses or minuses  
13   as to whether it's discarded or kept only refers to  
14   this geographical area?

15          MS. BREWSTER-GEISZ: Yes, for this --

16          MR. PERETT: I got -- wait, wait --

17          MS. BREWSTER-GEISZ: So this graph --

18          MR. PERETT: Wait, that's where I'm going  
19   because --

20          MS. BREWSTER-GEISZ: Well, it refers -- the  
21   percent discards and everything are all relative to the  
22   U.S. catch but what we did is we only closed this area

1 during these months.

2 MR. PERETT: So --

3 MS. BREWSTER-GEISZ: It's all relative to the  
4 U.S..

5 MR. PERETT: So for SWO-3, and we'll take that  
6 first month -- again we'll work with swordfish because  
7 that's the one we're talking about the most thus far.  
8 In the month of October, the discards at roughly, say,  
9 4 percent and the keeps swordfish are, say, 2 or 3  
10 percent. Now, in that geographical area --

11 MS. BREWSTER-GEISZ: In that area --

12 MR. PERETT: And we have the others that show  
13 what it is for SWO-1 and so on. Okay.

14 MS. BREWSTER-GEISZ: Right. If you close that  
15 area, that's what the reduction will be.

16 MR. PERETT: Thank you.

17 MR. CLAVERIE: How do you define discards? Is  
18 that dead discards or all discards?

19 MS. BREWSTER-GEISZ: It's total discards, both  
20 alive and dead.

21 MR. CLAVERIE: Is there a mortality -- an  
22 observed mortality different at different times of the

1     year or different areas? I mean, is that considered in  
2     this?

3                 MS. BREWSTER-GEISZ: This is total discards.  
4     It's not taking into account whether we're discarding  
5     dead or alive.

6                 MS. LENT: That's a good question and I ask if  
7     anybody here might want to comment on that. I'm not  
8     aware and we'll have to ask the science center of  
9     whether there might be a difference in the percent of  
10    swordfish discards that are dead relative to certain  
11    times and areas. As far as I know, there's none.  
12    Maybe Bill or other --

13                MR. CLAVERIE: The fishermen ought to be able  
14    to come in on that if the scientist can't because  
15    they've seen them. It's pretty well -- I mean, if  
16    you're just going to keep bait live you have a much  
17    better chance in a cooler water than you do in a warmer  
18    water.

19                And I assume that that's true with all fish.  
20    I don't know. Maybe John can tell us or something.  
21    There may be a substantial difference or there may not  
22    in the mortality, actual mortality involved, and that's



1     what we really have to get to. So if we can do that,  
2     maybe we ought to. I don't know if we can do it.

3             MS. LENT: But, Mau, I think for purposes of  
4     this discussion we'll assume that where we have the  
5     highest rate of discards we probably have the highest  
6     rate of dead discards. There could be some variations  
7     therein, but that's a really good question and we'll  
8     follow up on that.

9             MR. CLAVERIE: Well, the highest rate of  
10    discards is in a cool month, the tenth month, and so  
11    that may be the highest rate of live to dead on the  
12    discards. I'm just guessing, you know. I mean, it may  
13    be totally different from that in the swordfish  
14    fishery.

15            A PARTICIPANT: I'm having trouble with the  
16    months the way they are arranged. I understand that  
17    starting right out looking at SWO-3, October is the  
18    month that has the biggest reduction in swordfish  
19    discards.

20            However, as you go along and the months are so  
21    out of sequence -- and maybe I'm interrupting your  
22    presentation here and you would have explained it --

1 but how do we figure out consecutive months? I'm  
2 having trouble with that.

3 MS. BREWSTER-GEISZ: (Inaudible.)

4 A PARTICIPANT: The rate of discards.

5 MS. BREWSTER-GEISZ: (Inaudible.)

6 A PARTICIPANT: Okay, that's right. But even  
7 so, it's still hard to get from the graph to know what  
8 block of months or --

9 MS. BREWSTER-GEISZ: (Inaudible.)

10 MR. BEIDEMAN: Karyl, I'm looking at sword  
11 four and I'm imagining that the split at 33 may have  
12 come out of conversations that I had with you as far as  
13 the difference between 32 and 33, and 33 and 34?

14 MS. BREWSTER-GEISZ: (Inaudible.)

15 MR. BEIDEMAN: Okay. Well, if I can give  
16 folks a tiny bit of background. Without getting into  
17 the pelagic longline industry proposal, it goes up to  
18 34 degrees. And some fishermen raised that, you know,  
19 the area between 33 and 34 really isn't that much of  
20 the problem. And we looked up those numbers and from  
21 33 to 34 we're looking at approximately 370-some, I  
22 think it was 377, dead discards over a six-year period,

1     and the area from 32 to 33 is 3,700. A large  
2     difference.

3             MS. LENT: Before Karyl starts this, I would  
4     ask everybody to please look at the screen. This is  
5     absolutely critical to understand. The SWO-1, SWO-2,  
6     SWO-3, SWO-4, that's sort of a progressive range.  
7     Please pay attention to what SWO-1, 2, 3, 4, means.

8             Thank you.

9             A PARTICIPANT: Is SWO-3 (inaudible)?

10            MS. BREWSTER-GEISZ: I'm getting there. We  
11     start with the FMP. That's what we have originally  
12     proposed.

13            A PARTICIPANT: (Inaudible.)

14            MS. BREWSTER-GEISZ: Okay. And SWO-3 is this  
15     entire block going from 76 to 82 and 24 through 33.  
16     It's the entire block including the FMP area. SWO-1 is  
17     the entire block from 74 to 82 and from 24 to 33. So  
18     SWO-1 includes SWO-3 and the FMP. It is not just the  
19     skinny little rectangle.

20            A PARTICIPANT: (Inaudible.)

21            MS. BREWSTER-GEISZ: That goes back to why  
22     SWO-3 and SWO-1 look pretty much the same on the

1     graphs.

2                 Nelson.

3                 MR. BEIDEMAN:  Is there any consideration  
4     given that, you know, depending on, you know, what  
5     areas are closed, there may not be a displacement of  
6     effort?  I mean, some of those boats may just be out.

7                 MS. LENT:  These are good points, but let's  
8     finish the definition of these four areas and then  
9     we'll come back to that.

10                MS. BREWSTER-GEISZ:  Go ahead.

11                MR. BASCO:  Irby Basco, Texas.  Do you have  
12     any kind of numbers of the SWO-3 area only of numbers  
13     of swordfish discarded?

14                MS. BREWSTER-GEISZ:  I don't have an overhead  
15     of the numbers.  I have it on the computer back on my  
16     desk.  That's how I did all those graphs.

17                MR. BASCO:  I was wondering if somebody made  
18     note of those numbers here on the panel.

19                MS. LENT:  We can calculate those.  Actually,  
20     if you open up your FMP to the total amount of discards  
21     in '96 and '97 and calculate what that percent  
22     reduction would mean because all these percentages are

1 relative to the total amount of discards, total amount  
2 of landings, et cetera.

3 MR. BASCO: Okay, thank you.

4 A PARTICIPANT: Okay. So SWO-4 goes from 22  
5 to 36 and 76 to 82, so SWO-4 includes SWO-3 and the  
6 FMP?

7 A PARTICIPANT: And it definitely includes  
8 (inaudible).

9 MS. BREWSTER-GEISZ: It doesn't include 1 and  
10 2.

11 A PARTICIPANT: (Inaudible.)

12 MS. BREWSTER-GEISZ: And then SWO-2 is this  
13 entire big block.

14 A PARTICIPANT: (Inaudible.)

15 MS. BREWSTER-GEISZ: Everything.

16 A PARTICIPANT: (Inaudible.)

17 MS. BREWSTER-GEISZ: SWO-1 goes from 74 to 83,  
18 and 24 to 33. They are very big areas. They are not  
19 these little rectangles. They are the big area.  
20 Everything includes SWO-3, basically.

21 A PARTICIPANT: (Inaudible.)

22 MS. BREWSTER-GEISZ: Yes, the FMP is the

1     smallest and then the SWO-3.

2             A PARTICIPANT:   (Inaudible.)

3             MS. BREWSTER-GEISZ:   33 comes just about to  
4     Charleston, huh?   That's why we chose 33 so we weren't  
5     cutting across --

6             A PARTICIPANT:   (Inaudible.)

7             A PARTICIPANT:   (Inaudible.)

8             A PARTICIPANT:   (Inaudible.)

9             MS. BREWSTER-GEISZ:   So when I did the  
10    displacement, what I did is when you're looking at  
11    SWO-3, fishermen could go four degrees north, four  
12    degrees east, four degrees south, and four degrees in  
13    the west in the Gulf of Mexico.   And that was the same  
14    for all of these areas.   They could go four degrees in  
15    any direction.

16            Go ahead.

17            A PARTICIPANT:   You only took the effort that  
18    existed within a closed area in that time frame and  
19    moved it within that time frame outside the area?

20            MS. BREWSTER-GEISZ:   Correct.

21            A PARTICIPANT:   You did not look at the fact  
22    that maybe in the next month effort that had been

1       suspended during one month would be back in the same  
2       place or there would be an increase in effort the next  
3       month?   You didn't do that?

4               MS. BREWSTER-GEISZ:   We didn't do that.

5               A PARTICIPANT:   Okay.

6               MS. BREWSTER-GEISZ:   We could.   And going into  
7       Nelson's point, no, we did not take into account that  
8       some of the people in the middle of SWO-3 wouldn't be  
9       able to move out.

10              Does everybody understand how these areas  
11       work?

12              MR. BEIDEMAN:   A good point was just brought  
13       up to me that I tried to bring up before.   If you close  
14       this entire area, due to the nature of those boats that  
15       are basically coastal fleet boats, there isn't one boat  
16       that I know of --

17              (End of Tape 1, Side A.)

18              MR. BEIDEMAN:   -- would have been in that area  
19       that would have the capability of fishing outside of  
20       that area.   So you can eliminate the effort.

21              MS. BREWSTER-GEISZ:   Along with looking at  
22       these areas for swordfish, I took what I had from the

1 Blue Water proposal. I'm not going to go over their  
2 proposal. I just tried to take their area, or as close  
3 their area that I could, and I did the same sort of  
4 analyses.

5 A PARTICIPANT: (Inaudible.)

6 MS. BREWSTER-GEISZ: You should have a copy of  
7 this somewhere.

8 A PARTICIPANT: But we don't seem to have  
9 (Inaudible.)

10 MR. BEIDEMAN: Karyl, just to point out to  
11 folks without getting into the proposal, these blocks  
12 are a little bit different than what the actual  
13 proposal is, okay. On the BWFA-1, the south-southwest  
14 corner is a tiny bit different and the BWFA-2, that's a  
15 one and a half by one degree that goes to 87.30, not  
16 87. You know, this is plenty for visual.

17 MS. BREWSTER-GEISZ: So these are pretty close  
18 approximations. So in the SWO package or somewhere in  
19 the package you should have the analyses for all of  
20 these blocks, and all of these were sorted by swordfish  
21 discard per unit effort.

22 A PARTICIPANT: I don't see a discard -- I



1     don't see an analysis based on these -- these. Do you  
2     have one?

3             A PARTICIPANT: These? I don't (inaudible).

4             A PARTICIPANT: Karyl, do we have the analysis  
5     and changes in landings or discards by species for the  
6     Blue Water?

7             MS. BREWSTER-GEISZ: They should be in -- we  
8     made photocopies of them.

9             A PARTICIPANT: Does anybody have them?

10            A PARTICIPANT: (Inaudible.)

11            A PARTICIPANT: (Inaudible.)

12            A PARTICIPANT: I've got that but we don't  
13     have the --

14            A PARTICIPANT: (Inaudible.)

15            MS. BREWSTER-GEISZ: No, it would come from  
16     us. It wouldn't come from Nelson. (Inaudible.) Go  
17     ahead.

18            MR. CLAVERIE: Karyl, are all of these  
19     analyses strictly for '96 - '97?

20            MS. BREWSTER-GEISZ: All of these are just for  
21     '96 and '97, yes.

22            MR. CLAVERIE: Do you have the information for

1 more years than that?

2 MS. BREWSTER-GEISZ: We could do more years.  
3 The reason we didn't is because of the season. It  
4 changed in '95 and we wanted to make sure that we had  
5 equivalent effort to look at, and '96 and '97 were very  
6 similar.

7 MR. CLAVERIE: Well, I can't speak for the  
8 east coast but in the Gulf it can vary substantially  
9 from year to year, particularly the billfish situation.

10 MS. BREWSTER-GEISZ: Right. I did look at '96  
11 and '97 and they were pretty much the same.

12 MR. CLAVERIE: No, but if you go back to as  
13 far back as you can go, you'll find that the location  
14 of billfish can vary substantially from year to year.  
15 It depends on currents and swirls, and those change  
16 from year to year. Where the fish are this year may  
17 not be where they are at all next year.

18 A PARTICIPANT: I presume on the Blue Water  
19 graph, the one that says BWFA-1, that the last point  
20 that isn't numbered is October.

21 MS. BREWSTER-GEISZ: (Inaudible.)

22 MR. BEIDEMAN: Again, without getting into the

1     proposal much, this would just be from the closure of  
2     the areas. This would not be the additional benefits  
3     accrued by eliminating the effort through buyout.

4             MS. LENT: Just a comment to that effect.  
5     Even though that effort, the vessels that are bought  
6     out wouldn't be in the fishery any more, if we assume  
7     that we're still going to be harvesting our full  
8     swordfish quota, we would still have some sets being  
9     made over and above -- you know, some of those sets  
10    would be replaced and so some assumptions are made to  
11    that effect.

12            A PARTICIPANT: Now, and this was just -- I'm  
13    assuming, and please tell me if I'm wrong-- this was  
14    just a static analysis looking at snapshots in time.  
15    You didn't, for instance, the cumulative discards in  
16    one year did not then roll in to increase availability,  
17    increase size in fish the following year and --

18            MS. BREWSTER-GEISZ: (Inaudible.)

19            A PARTICIPANT: Just static snapshots of  
20    points in time.

21            MS. BREWSTER-GEISZ: (Inaudible.)

22            A PARTICIPANT: Okay, so it doesn't model --

1     you're not trying to model shifts in the population  
2     which might be affected by changes in discards or --  
3     okay.

4                 MS. LENT:   Again, Russ, I would invite  
5     everybody, not just you, to take a look at what the  
6     yields are right now for swordfish and what the yields  
7     could be if we reduce these dead discards relative to  
8     replacement yield.   Where does it get us relative to  
9     that?   That's what these number can help you with.

10                We don't have a dynamic model but I think  
11     we've got the most useful information we've had to date  
12     that helps us figure out what's the best way to do a  
13     time/area closure.   There's a lot more analysis we can  
14     do, but this is pretty good.

15                A PARTICIPANT:   To that, Rebecca, my point  
16     would be that when you're looking at some of these  
17     static snapshots that you see has a fairly substantial  
18     reduction in discards of undersized swordfish and also  
19     reductions in total harvest, that in the long term it's  
20     likely that if the discard reductions are three or four  
21     times what the short-term reductions in harvest are  
22     from the snapshot, in the long terms you're likely to

1     see increases in harvest or accumulation of your quota  
2     in a quicker time period because what you're saving in  
3     the discards is going to be growing and creating higher  
4     abundances and higher densities of larger-size fish in  
5     subsequent years.

6             MR. BEIDEMAN:   Only on 9 percent.

7             A PARTICIPANT:   Just to confirm, the BWFA-1  
8     assumes no displaced effort because it assumes a  
9     buyout; is that right?

10            MS. BREWSTER-GEISZ:  No, (inaudible).

11            A PARTICIPANT:   It does?

12            MS. BREWSTER-GEISZ:  It keeps turning off on  
13     me.

14            A PARTICIPANT:   (Inaudible.)

15            MS. BREWSTER-GEISZ:  This does not assume a  
16     buyout.  None of these analyses do.  It always assumes  
17     displaced effort.

18            A PARTICIPANT:   It seems like in the Blue  
19     Water -- and it's not that great a difference in  
20     geographical area -- October goes from first to last.

21            MS. BREWSTER-GEISZ:  I'm not sure if that is  
22     October.  It would make sense that it is.  I would

1     have to go back and check. It might have just been a  
2     mistake on my part when I was filling in which blocks  
3     it's supposed to graph. It might have been October  
4     should be at the first and all the numbers should be  
5     moved down.

6             A PARTICIPANT: I think that's probably closer  
7     to right.

8             MS. BREWSTER-GEISZ: That would make sense,  
9     but one of the missing months is October.

10            A PARTICIPANT: Could I clarify the comment  
11    you just made? I'm pleased to see there is no linkage  
12    here with a buyout, but even if an improper linkage had  
13    been put here you could not assume no effort. As  
14    Rebecca just clarified, the catch, the landings, are  
15    going to remain the same unless we change our law;  
16    therefore, the boats that are fishing outside this area  
17    are going to increase their effort.

18            So I don't understand why you said because you  
19    did not assume a buyout you therefore displaced effort.  
20    Even if you had assumed a buyout, you would have to  
21    displace effort.

22            MS. BREWSTER-GEISZ: We didn't assume a

1     buyout. Everything is just displaced effort. If we  
2     were assuming a buyout we might be able to try to  
3     figure out some way to reduce effort based on those  
4     boats leaving the fishery. We might be able to make  
5     some assumptions about that.

6             A PARTICIPANT: But my point is you couldn't  
7     make that assumption because you still have to land the  
8     quota.

9             MS. BREWSTER-GEISZ: You would still land the  
10    quota but not necessarily in that area.

11            A PARTICIPANT: No, but my point is there  
12    would be increased effort outside the area that is  
13    displacement.

14            MS. BREWSTER-GEISZ: It would still have  
15    displacement, yes. I'm just saying it would be a  
16    different displacement.

17            MS. LENT: What Karyl is saying, and this is  
18    an important point, that with a buyout you would have a  
19    number of vessels, probably those vessels that would be  
20    most affected by that time/area closure would  
21    disappear, but the vessels that remained in the fleet  
22    would be making all the sets necessary to reach a

1 swordfish quota, we give them a reasonable opportunity,  
2 et cetera.

3 Would it be the exact same number of sets?  
4 Would it be more sets? Would it be less sets? That's  
5 an important question we need to discuss.

6 MS. BREWSTER-GEISZ: Go ahead, Nelson.

7 MR. BEIDEMAN: Yeah, a couple of things. In  
8 response to Rebecca, at least they would be in bigger  
9 swordfish areas.

10 I hope that the information from Jean Kramer  
11 that, you know, we need gets copied in time. If not, I  
12 have a copy but just one copy. I think it's a little  
13 bit unfair to characterize, you know, this information  
14 as the Blue Water proposal because --

15 MS. BREWSTER-GEISZ: I just labeled it that  
16 because that's what areas I used.

17 MR. BEIDEMAN: Okay. But as an explanation to  
18 everyone because, in reality, the Blue Water proposal  
19 not only has the benefit of closing the areas which  
20 reaches 47.4 percent of the swordfish discards within  
21 the U.S. EEZ, but it also has the benefits of  
22 eliminating those boats that volunteer for the buyout,



1     which will make that 47.4 percent rise.

2             MS. BREWSTER-GEISZ: Right, right. I'm sorry  
3     if I made that unclear. I did not mean to point out  
4     that this is the Blue Water proposal. These are just  
5     the areas that I used based on what your proposal is.  
6     These are the same analyses as everything else.  
7     They're just labeled differently because they were your  
8     areas.

9             MS. LENT: But for purposes of discussion, I  
10    think it's useful to say what if we conducted the same  
11    analyses on the areas that Blue Water has proposed for  
12    their buyout. Obviously, it's not the same result  
13    because you folks are talking about --

14            MR. BEIDEMAN: And I've also mis-spoken  
15    because it really is no longer a Blue Water proposal.  
16    It's a Senator Breaux's proposal.

17            MS. BREWSTER-GEISZ: Okay.

18            A PARTICIPANT: (Inaudible.)

19            MS. LENT: Let me just suggest that we let  
20    Karyl continue the presentation of the analyses, then  
21    Karyl can sit here at the front table. Then Jack  
22    Dunnigan, our moderator, has made it. Thank you, Jack.

1 Jack can moderate the discussion. We don't want Karyl  
2 standing on her feet too long. As you can see, there  
3 is a new cohort on the way.

4 Thanks, Karyl.

5 MS. BREWSTER-GEISZ: All right, I'll go on  
6 with the billfish for those of you who are anxious,  
7 billfish. And during the discussion we can talk more  
8 about the other areas for swordfish.

9 For some reason, this one is very curved.  
10 This is all based very similar to the swordfish, only  
11 we're now in the Gulf of Mexico. Billfish-1 includes  
12 Billfish-1 and Billfish-4, so it's the big area from 22  
13 up to the coast and from 92 over to the coast. And,  
14 yes, that probably incorporates some of Mexico's EEZ.

15 Billfish-3 is the smallest area going from 24  
16 to the coast and 92 to the coast. Billfish-2 gets  
17 bigger. It incorporates 1, 4, and 5. Five goes over a  
18 little bit smaller than Billfish-2 so it incorporates 4  
19 and 5, and then you just keep increasing out so you get  
20 almost up to Florida. Very large areas.

21 A PARTICIPANT: (Inaudible.)

22 MS. BREWSTER-GEISZ: Bill-6 is the top three,

1     yes.  And Bill-3 is that entire block.

2                 Now, when we're going over these graphs,  
3     remember that we're not including the fact that we  
4     might be closing some of these areas on the east coast  
5     of Florida.  These are just closing these areas, not a  
6     combination of these areas and Florida, so we're not  
7     including the billfish discards so we might get from  
8     those SWO areas.

9                 Did that make sense or did I confuse anybody?  
10    Go ahead.

11                A PARTICIPANT:  Would we be right in assuming  
12    that though they are -- if you are looking at both sets  
13    of data they would not be additive because of the  
14    chance of -- I mean, if you just look at that analysis  
15    you've got effort coming over here and back and forth?

16                MS. BREWSTER-GEISZ:  Right.

17                A PARTICIPANT:  So if you got 5 percent on one  
18    and 6 percent on the other, we wouldn't be saying there  
19    is 11 percent if you did them both.

20                MS. BREWSTER-GEISZ:  That's correct.  I'll  
21    spend the discussion on the one that at this point we  
22    tend to like the best, which is Bill-4.  And I don't

1 think on this one you really need to close the entire,  
2 or mostly the entire year as we did on SWO. But if we  
3 closed 7, 8, and 9, maybe January, you have almost a 7  
4 percent, or around about a 7 percent decrease in  
5 sailfish and in blue marlin and in white marlin.

6 Remember, this is what these areas are  
7 supposed to be helping. For those you have very little  
8 impact, almost zero percent, on anything else if you  
9 close those areas, or this area, which is why we happen  
10 to like this one the best.

11 For those of you want to know, I sorted these  
12 months by white marlin discard per unit effort. I just  
13 chose a billfish. White marlin happened to be the  
14 hardest one to get to fit.

15 A PARTICIPANT: Karyl, I have a question.  
16 Would it be a correct way to interpret this then is  
17 that you would have the same impact if you closed it  
18 just in July as you would the rest of the year,  
19 basically?

20 MS. BREWSTER-GEISZ: Basically, yeah, for the  
21 sailfish if you close the entire year or just in July.

22 A PARTICIPANT: Well, you've almost got the

1 same thing for every species.

2 MS. BREWSTER-GEISZ: Right.

3 A PARTICIPANT: Because if for one month you'd  
4 have the same impact you would if you closed it the  
5 whole year.

6 MS. BREWSTER-GEISZ: If there aren't any other  
7 questions, we can let Jack moderate and have a  
8 discussion over these areas.

9 A PARTICIPANT: Do you have a preferred option  
10 in terms of the duration of the billfish closed area?

11 MS. BREWSTER-GEISZ: I think what we were  
12 looking at is July, August, and September. And we can  
13 always put up any of these overheads if you guys want  
14 to see them.

15 A PARTICIPANT: I have (inaudible) for  
16 example, hot spots (inaudible).

17 MS. BREWSTER-GEISZ: No.

18 A PARTICIPANT: (Inaudible.)

19 MS. LENT: We started with the hot spots as  
20 identified in previous studies, but if you have some  
21 hot spot ideas we're listening.

22 A PARTICIPANT: (Inaudible) look at some

1 (inaudible).

2 MR. DUNNIGAN: Okay, thank you. I apologize  
3 for being late. Thank you, US Airways, and it's nice  
4 to be here.

5 It's about 2:20. We'd like to maybe take not  
6 more than ten minutes to continue on this subject and  
7 then we'd like to be able to move to some other  
8 presentations this afternoon that we're going to have  
9 on this question of time/area closures.

10 We will then be coming back to a more  
11 substantive discussion of how you feel about all of  
12 this either after those proposals or, if we run out of  
13 time this afternoon we'll end up doing that tomorrow  
14 morning.

15 But we could take a couple of more comments  
16 right now or more clarifications if you have further  
17 questions for what Karyl did.

18 The other thing is about the record.  
19 Everybody, please make sure you use the mikes and make  
20 sure you give us your name before you start so that we  
21 can have a nice, clean record when this gets put  
22 together.

1           Russell Nelson was first and then Nelson  
2   Beideman and then David Wilmot.   Russell.

3           MR. NELSON:   Me nombre es Russell Nelson.  
4   Rebecca.

5           MR. DUNNIGAN:   Rebecca.

6           MR. NELSON:   This is not for Karyl.   This is  
7   for you.   Karyl just gave us what you said we should --  
8   a preferred alternative in terms of billfish reduction.  
9   So implicit in picking a preferred alternative, I guess  
10   you all have at a policy level established some goal  
11   that you're trying to get.   The Billfish Advisory Panel  
12   asked that we look at reductions in bi-catch that would  
13   get us at least a 25 percent reduction in mortality,  
14   bi-catch induced mortality.

15           What goal have you all selected as the policy  
16   goal to base your selection of a preferred alternative  
17   on?

18           MR. DUNNIGAN:   Rebecca.

19           MS. LENT:   There is no specific number.   What  
20   we are trying to do is balance a reduction in discards  
21   of billfish and juvenile swordfish with the impacts on  
22   the directed fishery, balance it relative to other

1 issues in managing these fisheries.

2 I would remind you also, Russ, to add the two  
3 numbers. When we close the swordfish area we save some  
4 billfish as well. You can add the two to see what the  
5 effect is. But no, Russ, we don't have a number. If  
6 this panel wants to discuss it some more in the joint  
7 panel and the pros and the cons, in some cases we could  
8 go higher but we might increase dead discards of large  
9 coastal sharks. We need to hear from you about the  
10 trade-offs.

11 MR. NELSON: I didn't mean to get you all  
12 testy, Rebecca. I was just wondering, when you decided  
13 that you selected proposals, I mean, what is the trade-  
14 off? What is the goal? What is the balance? Is there  
15 some quantitative goal that you set or is it just all -  
16 - you know, is it -- I mean, what's the basis to say we  
17 like this one? That's all.

18 MS. LENT: Again, I can't give you a hard  
19 number. And I'm not testy. I just have a sore throat,  
20 Russ. It's why I have this raspy voice.

21 But it's looking at preliminary analyses,  
22 looking at putting these graphs all in front of us and



1     saying if we had to choose between just these six or  
2     just these four, which one looks most promising in  
3     terms of the trade-off and the side effects, and which  
4     ones might not be as preferable.

5             You might find that we have more options we  
6     need to look at or you might find that we need to  
7     change the assumptions that we used to come up with  
8     these results. The whole picture could change if we  
9     say, you know, no, it's going to be boats just going  
10    north or just going south.

11            So I can't give you any specific formula,  
12    Russ. I wish I could. And if you have a specific  
13    formula for balancing all these different things, I'd  
14    like to hear about it. Thanks.

15            MR. DUNNIGAN: Nelson.

16            MR. BEIDEMAN: Nelson Beideman, Blue Water  
17    Fishermen's Association. What I'm passing out, Jack,  
18    might make things a tiny bit clearer. What we did was  
19    we took the information from Goodyear and we broke it  
20    into one-degree squares of those 12, you know, squares  
21    in the Gulf, and we took the years '92 to '97 and  
22    averaged it into annual average by species in those

1     one-degree squares. And that's being passed around.  
2     At some point if people have questions I can explain  
3     the, you know, headings, et cetera.

4             MR. DUNNIGAN: David Wilmot.

5             MR. WILMOT: Russ Nelson asked the very  
6     questions that I was most concerned about. I will  
7     follow up with one small addition. Rebecca, I  
8     understand your answer and you don't have a  
9     quantitative answer that I would certainly like to see;  
10    however, can I take from what you said that the  
11    variables that you're balancing have equal weight, or  
12    could you in a qualitative way at least rank what is  
13    most important to HMS, to you, in conserving these fish  
14    and reaching the objectives of the FMP?

15            MR. DUNNIGAN: Rebecca.

16            MS. LENT: I think the overarching objective,  
17    as we noted earlier in the meeting, is reducing bi-  
18    catch of juvenile swordfish and billfish. We can't  
19    just blindly go forth and take the maximum area and the  
20    maximum amount. We have to consider the side effects,  
21    not just the effects on the fishermen but the effects  
22    on large coastal shark discards and the effects on

1 turtles and the effects on a lot of other things.

2 So I don't have an equal weight but I would  
3 say that our number one goal as we went through these  
4 numbers was swordfish dead discards and billfish  
5 discards.

6 MR. DUNNIGAN: David, go ahead.

7 MR. WILMOT: Okay, thank you for that. And  
8 again, I don't mean to imply what might have been what  
9 you had in mind here, but if I just glance down and  
10 look at blue marlin and I put the two together, we've  
11 actually lost a few more blue marlin than we started  
12 with with these two closed areas.

13 So I hope you can understand the difficulty of  
14 trying to understand. You tell me the number one  
15 priority is to reduce the discards of more than one  
16 species, I admit, yet when I look at a key species I  
17 see more blue marlin will be discarded. I think you  
18 can imagine that would cause some pause for me in  
19 trying to understand where exactly we're going.

20 MR. DUNNIGAN: Steve Loga.

21 MR. LOGA: A question for Rebecca. Rebecca,  
22 have we looked at other alternatives besides the closed

1 area in the Gulf? For instance, I was looking at the  
2 observer log book data today and it shows somewhat that  
3 possibly we can reduce the catch of billfish by four or  
4 five times just by simply switching from live bait back  
5 to dead bait before we look at these, because these  
6 areas obviously affect me greatly on that.

7 Have we looked at those other ideas also?

8 MR. DUNNIGAN: Rebecca.

9 MS. LENT: That's a very good point, Steve,  
10 and I hope we could get some input from the advisory  
11 panel. We obviously need the science that proves to us  
12 that yes, indeed, with live bait versus dead bait, with  
13 circle hooks versus j-hooks, we can have different  
14 mortality rates.

15 So this meeting obviously is focused on  
16 time/area closure. Anything we can do with gear types  
17 that would mitigate the need for time/area closures  
18 we'd love to hear about, we'd love to do it. It's a  
19 good point.

20 MR. BEIDEMAN: Nelson Beideman, Blue Water.  
21 Rebecca, what Steve is referring to is today we still  
22 have an ongoing contract with, you know, John as far as

1 the review of a grant contract.

2 One of the things that, you know, is part of  
3 that is trying to see if there is anything that is, you  
4 know, a red flag on live versus dead, you know, bait in  
5 the Gulf of Mexico area. An observed subset that he  
6 showed us today to review was like a 47-set subset  
7 where they had marked tended, and it looks as if you  
8 both have live bait and you tend the line that, as  
9 Steve said, there is a three to five times on billfish  
10 interactions and it's only for a gain of 2 to 3  
11 yellowfin tuna directed species per trip.

12 So I would encourage HMS please get up with  
13 Dr. Hoey (phonetic). You know, when that information  
14 is more developed it would sure be a good thing for  
15 this group to see.

16 MS. LENT: Thanks, Nelson. We'll check. We  
17 did invite Dr. Hoey but he wasn't able to come today.

18 MR. DUNNIGAN: Ellen Peel.

19 MS. PEEL: I just wanted to clarify. Nelson,  
20 you were saying that with the live bait that the  
21 increase in the marlin was higher?

22 MR. BEIDEMAN: With live bait and tending the

1 line, the increase -- I can't remember the exact but it  
2 went from like .6 on white marlin to like 3, four or  
3 five times higher, .6 per set to 3 per set.

4 MS. PEEL: Right. An increase in the  
5 interaction and hookup with billfish with live bait?

6 MR. BEIDEMAN: Yes.

7 MS. PEEL: Okay, that's what we're saying  
8 also.

9 MR. BEIDEMAN: Yes.

10 MR. DUNNIGAN: Okay, John Wingard and then  
11 Pete Jensen.

12 MR. WINGARD: Has there been a socioeconomic  
13 analysis done in conjunction with this because, as you  
14 said, there is a number of trade-offs going on here and  
15 suggestions made, changing bait, changing hook types.

16 It seems that without some idea of the impact  
17 these are also having not only on the fish but the  
18 fishermen, we may be getting some very marginal gains  
19 in the biology with major losses, say, on the  
20 socioeconomic side. So I think that's a critical  
21 component that could be added in to help more fully  
22 evaluate the total trade-offs we are talking about.

1 MS. LENT: Just to respond to that, that's a  
2 very good point, John. In fact, we've got a partial  
3 look at some of the gross output economic effects  
4 because we know what happens to their catch of their  
5 target species. If it's going down, then obviously  
6 their gross revenues are going down. If they're having  
7 to fish farther out, obviously their fishing costs are  
8 going up.

9 If we're affecting communities in these large  
10 areas that could be closed for a long amount of time,  
11 then obviously we're having social effects. That's a  
12 very important point that we need to hear about.

13 MR. DUNNIGAN: Pete Jensen.

14 MR. JENSEN: I'm still curious about one thing  
15 on swordfish and maybe I missed it. If we have an  
16 annual quota in your analysis, why does the catch of  
17 swordfish go down? Don't we presume that we're still  
18 going to catch the quota no matter what you do, or are  
19 you simply suggesting that you're going to transfer the  
20 catch from those people that move out to somebody  
21 that's somewhere else? Shouldn't that line be flat?

22 MS. LENT: Yeah, that's a good point. What we

1     could do is add sets until we reach the quota, then we  
2     get back to status quo. But, in fact, when we're  
3     displacing people out we're putting them in areas where  
4     they might be catching less of the target catch.  
5     They're fishing where they find it most profitable, and  
6     that makes sense.

7                 So by displacing the effort, we're making the  
8     decision for a fishermen I'm going to go here and make  
9     ten sets here where, in fact, on that trip maybe would  
10    have made another two sets because he didn't quite have  
11    enough swordfish for his trip. So that's a good point,  
12    Pete.

13                MR. DUNNIGAN: Okay, thank you. Any last  
14    questions just for clarification, facts on Karyl's  
15    presentation?

16                (No response.)

17                MR. DUNNIGAN: All right, let's move ahead.  
18    We have a couple of more presentations that we're going  
19    to be doing this afternoon for you and for the next one  
20    or set of them I'm going to ask Nelson Beideman to  
21    introduce that.

22                Go ahead, Nelson.



1                   MR. BEIDEMAN: Nelson Beideman, Blue Water  
2   Fishermen's Association. I really don't want to get  
3   too much into introducing the proposal. John Flynn,  
4   legislative staff from Senator Breaux's office and Glen  
5   Delaney, our U.S. ICCAT commercial commissioner will be  
6   doing that.

7                   I would like to make a couple of more general  
8   remarks about the reasons that the industry has come  
9   forward, you know, with initiatives and proposals of  
10  this nature. Would that be proper now or after,  
11  Rebecca?

12                  MS. LENT: (Inaudible.)

13                  MR. BEIDEMAN: Well, if I could. And,  
14  Rebecca, you might be interested in this. We have  
15  reflected on this many, many, times but if was a very  
16  focused reflection this past week in Spain. We were  
17  staying at a hotel where the toreadors from the  
18  bullfights were staying, and each evening the locals  
19  would line up chairs and watch the bullfights just  
20  like, you know, we do here for football and baseball.

21                  The difference of cultures and the thought of  
22  going to a bullfight with a sign saying, "Save Baby

1 Tunas," it just doesn't work over there. And the  
2 realization that we are never going to get Europeans to  
3 discard any fish as an incentive to protect small  
4 swordfish or tunas or what have you.

5 So we're really -- one of the big incentives  
6 behind the industry looking harder at what is already  
7 accomplished on reducing small swordfish catches is how  
8 do we find a way of moving the international community  
9 to further protect small fish? Because it's not going  
10 to be through minimal sizes.

11 Thank you. And who first? John? You can't  
12 even read Jean's stuff, you know.

13 MS. LENT: This is the printout we got on  
14 e-mail. We tried to enlargen it.

15 MR. BEIDEMAN: Okay. I have regular size if  
16 you want.

17 MS. LENT: We'll send somebody over to copy  
18 it.

19 MR. CLAVERIE: Nelson, you got it wrong.  
20 You'd say, "Save the Baby Bulls so they can grow up to  
21 fight."

22 MR. DUNNIGAN: You know, that was Mr.

1     Claverie. Just to make sure the record will reflect  
2     that.

3                 MR. BEIDEMAN: It's kind of funny when you  
4     think about it though, Mau. It's an unbelievable  
5     difference of cultures.

6                 MR. FLYNN: Before you go ahead, like any good  
7     Coast Guard guy, I'm the Coast Guard person in Senator  
8     Breux's office but I also staff all fisheries issues  
9     and maritime issues. I've been there for about a year.

10                I have charts that it doesn't look like I'll  
11    need because there is an overhead set to go. But I'm  
12    not here today as John Flynn. I'm here as Senator  
13    Breux to discuss something that took place in our  
14    office.

15                And Nelson kind of laid the groundwork just a  
16    little bit by mentioning ICCAT. This past November in  
17    ICCAT went over just kind of sidebar discussions on  
18    ways of addressing the swordfish issue, a way of  
19    addressing the bi-catch with billfish and other  
20    species.

21                And that kind of followed over to when we got  
22    home just reviewing the FMP draft process. And any

1 other congressional folks that are here, I mean, our  
2 office was virtually flooded with valid concerns of the  
3 bi-catch issue and problem.

4 And at that time we said what can we do? What  
5 can we do about this? And we remembered back to  
6 discussions we had at ICCAT, and from there basically I  
7 talked to Senator Breaux about it. And as everybody  
8 knows, he's been around for a long time. He's a  
9 Commerce Committee and Subcommittee on Oceans and  
10 Fisheries and he's known as kind of the deal maker, to  
11 so speak, as far as bringing parties together.

12 So that's what we did. That's basically what  
13 we're trying to do. And then in our office actually  
14 was on -- you know, my last name and I'm an Irishman so  
15 I picked St. Patrick's Day of all times to call the  
16 meeting. Some people say it was a bad time to do it,  
17 but on basically March 17th we called together Rawley  
18 Smitten (phonetic) not as Rawley Smitten but basically  
19 director of the National Marine Fisheries Service, Glen  
20 Delaney representing Blue Water, Senator Breaux was in  
21 attendance. Bob Hayes from the Billfish Foundation and  
22 Peter Hill from Legislative Affairs.

1           And the proposal that we discussed is one that  
2   you have already seen and I won't spend a lot of time  
3   on it, but basically starting from North Carolina to  
4   the Florida straits then another area over Desoto  
5   Canyon and the Gulf. And honestly I'll stay close to  
6   the mike. What I'm talking about is swordfish. I'll  
7   get into other species here in just a second, but this  
8   was a swordfish proposal.

9           There was some confusion, just to kind of air  
10   it right now, confusion between swordfish and yellowfin  
11   tuna, but what I'm talking about now is swordfish. The  
12   swordfish and billfish issue.

13           These areas -- and I'm not a scientist. I  
14   have a science background. I'm not a scientist. These  
15   areas, as everybody especially in this audience or this  
16   panel knows, there are grounds and hot spots for  
17   juvenile swordfish and also spots for billfish. So as  
18   far as coming together to address a way of taking care  
19   of the issue, taking care of the problem, those in  
20   attendance looked at the proposal, and while we were  
21   there Senator Breaux said, "Is this something that  
22   works for everybody?"

1           And then while we were in the room, once  
2   again, you know, the parties were represented. We all  
3   agreed to work together on it. In turn, Senator Breaux  
4   said, and this is a quote from him. He goes, "If this  
5   is something that's doable, something that everybody is  
6   agreeing to in this room and agreeing to work on in the  
7   future," he goes, "I'll champion the cause." Those  
8   were his words: "I'll champion the cause."

9           So with that, and some of the differences  
10   between this proposal and some of the other things that  
11   have been discussed -- and I might add that this is  
12   very close to SWO-3. I think it's SWO-3. See, I read  
13   your charts. Very close to SWO-3. The only -- not the  
14   only difference. Some minor differences in geographic  
15   boundaries, but in other differences that this proposal  
16   includes a buyback. It includes a buyback.

17           And if I get off base I know Glen Delaney will  
18   get me back on, but basically this buyback would impact  
19   approximately 47 vessels, 47 or 48 vessels. I think  
20   that's accurate. Now, the buyback is estimated to cost  
21   approximately \$15 million; 7 1/2 would come from the  
22   industry and 7 1/2 would come from the United States

1     during appropriations, basically Title XI loan  
2     guarantee.

3             Before anybody asks, we do have a draft bill.  
4     There is a draft bill. One of the key six sections  
5     that's missing from the bill is data. We need data to  
6     put into it. Three months ago data was requested. The  
7     data we received was helpful but it was incomplete.

8             In turn, I have a copy of a letter that  
9     Senator Breaux sent to Penny Dalton. It's here if  
10    anybody wants to see it, but basically the letter that  
11    went back to Penny reminded Penny of the commitment,  
12    was the word, the commitment that had been made by  
13    Penny's predecessor, Rawley Smitten, to work on this  
14    proposal and then also requested the data. The data is  
15    very important to this bill because without the data  
16    for the bill we can not go through the entire  
17    compensation formula for what would be a fair and  
18    equitable buyback to those longliners or those  
19    fishermen impacted, drastically impacted, by being  
20    forced out of the fishery through this time/area  
21    closure.

22            Some of the concern that is in our office

1 right now is that assurances or commitments were made  
2 to Senator Breaux and I have to say, I mean, he was  
3 quite surprised to learn that the AP process was  
4 underway and that we were looking at a proposed rule or  
5 a ruling process, and that's another reason that the  
6 letter went to Penny Dalton basically kind of  
7 reaffirming the fact that commitments had been made to  
8 work on this proposal that includes a buyback.

9           So I have to go on the record in saying that,  
10 so I mean -- let me just kind of regroup here. Some of  
11 the other points that I wanted to make is this is not  
12 just at the Penny Dalton or the director of the  
13 National Marine Fisheries Service level. Dr. Baker and  
14 Terry Garcia were in Senator Breaux's office about two  
15 weeks ago.

16           It was mentioned to them by me in Senator  
17 Breaux's office and again by Senator Breaux,  
18 commitments were raised by both individuals at that  
19 time that this was something very much worth pursuing,  
20 especially with the buyback option. I don't have a  
21 copy of the article but earlier this week, I forget  
22 what publication it was but Dr. -- not Dr. Baker but



1 Terry Garcia was quoted as saying that time/area  
2 closures and buybacks were the way to go with the  
3 Fishery Service. I don't have the article but I've  
4 seen it two or three times.

5           What else can I say? I'm not trying to slam  
6 anybody. I'm just trying to bring everything up that  
7 has been committed so you know that everybody is trying  
8 to work together on this but, at the same time,  
9 commitments were made, promises have been made, and it  
10 seems like we're going down parallel tracks.

11           So Senator Breaux asked me to come here today  
12 basically to repeat and reaffirm what was discussed and  
13 what was committed to, and then at the same time to say  
14 that with a ruling process or the proposed rule, what  
15 is not included in there. For example, I mean, SWO-3  
16 looks exactly like the area or very close to it, but  
17 the one element missing is the buyback. So the buyback  
18 is not included and that's something that we'll address  
19 legislatively. I think that's pretty fair to say that.

20           So I've been talking about swordfish and the  
21 bi-catch of billfish. Another area that Senator Breaux  
22 is also working on -- in fact, he had breakfast in New

1     Orleans with Gary Schweist (phonetic) and the Billfish  
2     Foundation. And one of the concerns that was made was  
3     this area in the Gulf. It needs to be a more open  
4     area. The area in the Gulf that I'm talking about is  
5     swordfish. I know there are some other areas that  
6     individuals say that there are swordfish and billfish  
7     bi-catch in there, but I'm talking about swordfish.

8             The other areas that we continue to work on --  
9     and, in fact, I know that Bob Hayes and Ellen Peel met  
10    with Steve Loga from Tuna Fresh to discuss the  
11    yellowfin tuna issue. So I say that because I'm not --  
12    I guess I'm a little sensitive right now because this  
13    is the area that we agreed to in principle and that  
14    partes that were there agreed to; at the same time,  
15    we're not ruling out looking at other areas, but the  
16    area that I'm looking at is swordfish.

17            Hopefully in here everybody understands that  
18    because every time I talk to my boss and people in the  
19    office I have to make sure that they understand they  
20    are two different issues but that's, you know, one  
21    issue. The one we're working on right now is swordfish  
22    and the bi-catch of billfish is important but we're not

1 ruling out continuing to work with other parties as  
2 long as it's mutually agreeable without, you know, kind  
3 of bashing or slashing either side to address that.

4 I kind of went on and on about that. You  
5 know, I'm looking directly at Bob. Is that pretty much  
6 what we've --

7 MR. HAYES: (Inaudible.)

8 A PARTICIPANT: Use the microphone.

9 MR. HAYES: Oh, yeah. I'm Bob Hayes. You  
10 know, I think it's a fair assessment that, you know, on  
11 my view of the swordfish industry here there's a couple  
12 things. This is the first day I've ever seen this NMFS  
13 data so that gives me some pause for reflection.

14 But notwithstanding that, you know, on the  
15 swordfish industry to essentially come forward and say  
16 we're going to close a substantial portion of the EEZ  
17 because we've got a small swordfish problem and we know  
18 that there will be some economic dislocation of that  
19 and I believe what they've decided is that they're  
20 going to buy themselves out with the assistance of some  
21 federal funds. You know, I think that's a positive  
22 thing and I don't think that that's something we ought

1 to beat up the swordfish industry for.

2 I think I said at the time and I've said for  
3 some time, we've got a problem, a bi-catch problem in  
4 the Gulf which is not a swordfish problem. It is a  
5 yellowfin tuna problem. And we've been talking to the  
6 yellowfin tuna folks about that problem and we're  
7 trying to see if we can pull something together.

8 And I think that's a fair assessment of where  
9 we are.

10 MR. FLYNN: I think so, too. I mean, if  
11 anybody has any questions about the mechanics of the  
12 bill I'd be happy to address those.

13 One of the other points that I did not make is  
14 that with the buyback 50 percent would come from Title  
15 XI loan guarantees and there would be -- correct me if  
16 I'm wrong -- but a 5 cent per pound dressed weight  
17 assessed at the dealer level.

18 We had a trade attorney in my office review  
19 that for GATT problems or implications. He was one of  
20 the crafters of GATT. He didn't see problems with it.  
21 But just to make sure that we're good and on par with  
22 everything, we requested USTR to visit Senator Breaux's

1 office next week and they're going to do that.

2 So I know there were some interim memos within  
3 NMFS that said that there might be a problem but, take  
4 my word for it, next week we'll meet on that.

5 Glen, what did I miss?

6 MR. DELANEY: Well, the (inaudible).

7 MS. LENT: (Inaudible.) And we've received  
8 that letter and we're in the process of evaluating it  
9 and preparing a response.

10 Let me just say that what I expected John to  
11 talk about here today was not that letter. I expected  
12 you to focus more on the actual legislation, the  
13 mechanics, you know, the fact that importers would be  
14 taxed, and how would you pay -- which vessels you'd  
15 select and what's the basis and how much you're going  
16 to pay each boat and the price and that kind of thing.

17 So we'll take that as a comment from the floor  
18 that there's concern about -- you know, the same  
19 concerns that are raised by Breaux. But let's focus on  
20 the time/area closure aspects of this proposal. And I  
21 think one of the appealing things about the buyout  
22 which we all embrace, we would love to have a buyout,

1 is that it helps minimize the economic effects of a  
2 buyout.

3 And if we go with something that's, you know,  
4 similar to Blue Water or something along that seaboard,  
5 obviously we're impacting a lot of communities. And  
6 that's what's appealing and we would love to embrace a  
7 buyback and we hope that this works out.

8 Thanks.

9 A PARTICIPANT: (Inaudible.)

10 A PARTICIPANT: Sure. Okay, I have about 20  
11 or 25 copies of it in my brief case as well.

12 A PARTICIPANT: (Inaudible.)

13 A PARTICIPANT: Sure.

14 A PARTICIPANT: (Inaudible.)

15 A PARTICIPANT: No, I think it would be  
16 helpful because if I was on the panel I'd be asking,  
17 well, where are all the specifics of the proposal  
18 that's being made? The major difference is buyout.

19 MR. DUNNIGAN: Why don't you just walk through  
20 the summary?

21 MR. BEIDEMAN: Rebecca, at some point there  
22 are, you know, comments that I would like to make

1 relative to, you know, the possible two tracks as far  
2 as the ramifications of it in November.

3 MS. LENT: We have at least one more AP member  
4 who wants to make a presentation and so we'll try and  
5 make sure we have enough time for that before we break  
6 at 3:45. We've got another hour.

7 MR. HAYES: Can I make one comment, if I  
8 could? Bob Hayes.

9 MR. DUNNIGAN: State your name first.

10 MR. HAYES: Bob Hayes. I'm sorry. I think an  
11 outline of this proposal and a discussion of it I think  
12 is useful, and I would like to point out -- and I think  
13 Nelson would agree with this -- you know, the work that  
14 the National Marine Fisheries Service has done in order  
15 to push this proposal to the point that it's pushed it  
16 is not inconsistent, I do not believe, with a  
17 legislative approach which clearly is going to require  
18 some -- if you're going to have a buyout you're going  
19 to have to have some kind of legislation. I don't view  
20 them as inconsistent.

21 And I think the fact that you can involve  
22 larger communities with more data and more analysis

1 will be useful with respect to identifications of the  
2 positive impacts of your proposal and identification of  
3 maybe some other areas that could possibly be fixed as  
4 well.

5 So, I mean, I see this is a disclosure thing,  
6 as an analysis thing, and as something that is a pretty  
7 positive effort on behalf of the Fisheries Service.

8 MR. DUNNIGAN: Nelson Beideman.

9 MR. BEIDEMAN: Nelson Beideman, Blue Water. I  
10 would agree with what Bob is saying as far as, you  
11 know, the analysis, et cetera, but I would like to  
12 speak to at the proper time is we've got two possible  
13 different scenarios that are setting up here.

14 One possible scenario is that we go into the  
15 international forum with an industry initiative,  
16 government cooperation, sport fish, recreational  
17 fishery, commercial, all working together. We present  
18 this strong concept into the international forum and  
19 try to move forward across all species with small fish  
20 protection.

21 The other scenario is we have a massive closed  
22 area without compensation that's in court. We go to



1     our foreign compadres in the international arena and  
2     ask them for money to help us with the legal fees.

3             MS. LENT: This is something that we discussed  
4     while we were in Spain with Miriam and Nelson. And  
5     Nelson said -- I mean, not Nelson -- Miriam said,  
6     "Nelson, we're your best friends on this."

7             And the reason is the following: If indeed we  
8     go forth with a proposed rule and we analyze different  
9     options for time/area closures, one of the things we  
10    have to look at under a reg flex of course is  
11    mitigating measures. And one great mitigating measure  
12    for a time/area closure is a buyout, and the analyses  
13    that we do are going to clearly show that we've greatly  
14    minimized the economic effects and we do better under  
15    National Standard Eight and under everything in the red  
16    flag if we have a buyout. It looks great relative to  
17    the effects that we would have trying to reduce bi-  
18    catch without a buyout.

19            So we are your best friends in this in the  
20    sense that even though we're on a parallel track, all  
21    of this would be considered. Here is one way that you  
22    can mitigate economic effects, so let's keep working it

1       together. I think this is all for the common good.

2               MR. BEIDEMAN: I can appreciate that, Rebecca,  
3       and boy, I hope everything you're saying is exactly the  
4       perfect world scenario that it works out to be. But I  
5       believe that later on during the public comment period  
6       you will hear from longline industry participants that  
7       have agreed upon the buyout scenario that if there is  
8       closures without compensation there will be, you know,  
9       opposition.

10              MR. DUNNIGAN: We want to let the presentation  
11       continue. David and Russ, do you want to ask your  
12       question first or do you want to be first in line after  
13       they finish?

14              MR. WILMOT: Well, no, I would like to ask it  
15       now because I was just wondering if we might actually  
16       get back to the agenda. I didn't realize that we were  
17       coming here today to debate buyouts. If so, we  
18       certainly have an awful lot of presenters who should be  
19       here to discuss the pros and cons of buyouts.

20              I thought we were here to talk a little bit  
21       about time/area closures and the conservation  
22       associated with them. Very different things. I am

1 more than happy to initiate a buyout debate here. I am  
2 perfectly capable of doing it, but I'd like an awful  
3 lot of other experts to be here as well to talk about  
4 the pros, the cons, and a lot of other issues.

5 This was not on the agenda. I am not prepared  
6 to talk about it. I don't know if everyone else knew  
7 about it and I'm the only one who didn't, but I would  
8 like to get back to talking about time/area closures  
9 and the conservation measures, not this lovefest with  
10 economic relief discussion.

11 MR. FLYNN: So let me talk about the time/area  
12 closure. The time/area closure includes a buyout. I'm  
13 sorry. This time/area closure -- two areas. Once  
14 again, I mentioned the difference between SWO-3 and the  
15 time/area closures identified on the over head. The  
16 time/area closure in the first area is 80,000 square  
17 miles and it's closed the entire year. The second area  
18 closed the first six months of the year is 5,400 square  
19 miles. Those are the areas based upon NMFS data and  
20 not anybody else's data.

21 And as far as conservation benefits, you'll  
22 see on the handout that's going around -- I won't go

1 through all the numbers but, basically, when you think  
2 about small swordfish, 8,444 small swordfish, basically  
3 a 45 percent reduction.

4 As far as concerns, and valid concerns, from  
5 the billfish folks and billfish panel, 295 blue marlin,  
6 148 white, 345 sail, and 25 spearfish, and anywhere  
7 from 34.2 percent reductions down to 8 percent  
8 reductions. So, I mean -- yes.

9 A PARTICIPANT: A little bit then about some  
10 of the assumptions that were made here. This is great.  
11 This is the discussion I really would like to discuss.

12 What was the assumption used on the movement  
13 of effort in the closed -- outside of the closed area?

14 MR. FLYNN: Glen will help me on the science  
15 here.

16 MR. DUNNIGAN: Glen Delaney.

17 MR. DELANEY: Getting back to the -- that's  
18 why a buyback is fundamental to this and, you know,  
19 National Standard Nine to minimize bi-catch is an  
20 important national standard but it's one of many and  
21 the one right before it also requires equal attention  
22 when we're doing something to conserve our resources,

1     which is to consider the adverse economic impacts on  
2     people. The Magnuson Act is fish -- I know it's hard  
3     to say -- and people. All together. And people.

4             So that's the point. It's fundamental to this  
5     proposal. And to answer your question, there is no  
6     displacement of effort if you -- I mean, the effort is  
7     displaced out of the fishery. Through a buyback the  
8     vessels are removed. That effort ceases to exist so  
9     there is no assumption that effort is going to be  
10    displaced within that community of 47 vessels  
11    elsewhere.

12            Will harvest continue for a longer period of  
13    time? Will the catch quota be reached for swordfish?  
14    Probably by vessels fishing elsewhere on larger fish.  
15    That's the point is to catch larger fish and stop  
16    fishing where there are smaller fish.

17            MR. WILMOT: So just to clarify -- David  
18    Wilmot. The assumption was made that if the one third  
19    part of the quota that was caught in the closed area is  
20    indeed still caught outside the closed area that there  
21    would be zero small swordfish killed? That's who one  
22    would accomplish a 45 percent reduction? Is that

1 correct? Zero additional small swordfish would be  
2 caught?

3 MR. DELANEY: I can't assume, and neither can  
4 you or anyone in this room, and that's why I'm  
5 surprised by the NMFS proposal as to what displaced  
6 effort or -- displaced effort is not maybe the correct  
7 term because it implies that these vessels are going to  
8 move somewhere. But the catches are going to increase  
9 somewhere else.

10 MR. WILMOT: Right, sure.

11 MR. DELANEY: I have an absolutely no idea.  
12 No one in this room does, so it's a little difficult to  
13 make that assumption. All we can say is that within  
14 this zone this many fish would no longer be caught.

15 MR. WILMOT: But that's not what it says.

16 MR. DELANEY: That's what we can say.

17 MR. WILMOT: You could say that, but that's  
18 not what it says. It says that that's the percent  
19 reduction in the EEZ. That's a very different  
20 statement.

21 By not catching 8,444 swordfish, that would  
22 constitute a 45 percent reduction in the small

1 swordfish catch within the EEZ, without being able to  
2 assume what it is that your point is.

3 MR. DELANEY: I know exactly what you're  
4 saying, David, but no one, including yourself, could  
5 ever make an assumption like that, could they?

6 MR. WILMOT: Well, actually, there are a quite  
7 a few data that would allow you to make a number of  
8 assumptions. One could simply look at the discard rate  
9 in the other areas outside the closed area, and one can  
10 accurately make a number of assumptions from that.

11 MR. DELANEY: Maybe more swordfish will be  
12 caught off the Grand Banks.

13 MR. WILMOT: Making an assumption above zero  
14 in the rest of the EEZ where the fishing will occur,  
15 oh, yeah, that could be justified.

16 MR. DELANEY: Well, that's your opinion.

17 MR. DUNNIGAN: Do you have more that you want  
18 to present or do you want to just get into the  
19 discussion?

20 MR. DELANEY: I think he just answered a  
21 question.

22 MR. DUNNIGAN: Okay, good. We have Russ Dunn,

1     Mau Claverie, Russ Nelson.

2                 MR. DUNN:  I think David covered a lot of what  
3     I had.  The other questions went more toward, I guess,  
4     the -- and my understanding or qualification was 5  
5     percent income, more than a 5 percent change in income  
6     is significant and, therefore, they would be eligible  
7     for a buyout.

8                 Is that still correct, if your income is  
9     affected by more than 5 percent, or is that -- the  
10    eligibility --

11                MR. DELANEY:  I don't have a copy of the draft  
12    in front of me but I'll be glad to get it if you look.  
13    But it defines eligibility and what an eligible vessel  
14    would be, based on the performance.

15                Nelson, do you have in front of you the  
16    eligibility definition?  The question was what  
17    constitutes eligibility in terms of buyback and I don't  
18    have that piece of paper in front of me.

19                MR. BEIDEMAN:  Nelson Beideman, Blue Water.  
20    The first eligibility point was that 50 percent of a  
21    vessel's sets in any of the last six years up to '97  
22    would have had to have been in these closed -- proposed



1 closed areas.

2 Another eligibility point is to make sure that  
3 these are substantial vessels. We needed some cutoff.  
4 We said at least 25 sets in that qualifying year from  
5 that vessel. Okay.

6 And also that they would have to be under the  
7 limited access program. That was assumed.

8 Does that answer it?

9 MR. DUNN: So there isn't a financial  
10 eligibility criteria?

11 MR. BEIDEMAN: Well, we started with we wanted  
12 75 percent of their income to be through pelagic  
13 longlining and what we discovered is that we would have  
14 to take a whole nother step of, you know, to get that  
15 information through their tax returns and what not, and  
16 at least at that point we were unwilling to prolong the  
17 process for that information. We felt we could get at  
18 it, especially with Jean's advice. We wanted the  
19 substantial boats and between the 50 percent of sets  
20 and the at least 25 sets in a year that we were indeed  
21 getting that.

22 Another thing I would like to reflect on is

1     that to the extent that these boats volunteer and to  
2     the extent that, you know, they may when we eliminate  
3     their effort we're not only eliminating their effort  
4     from within the zone; we're also eliminating their  
5     effort year round so there could be additional benefits  
6     in that respect.

7             MR. DUNN:   So then my understanding is then  
8     that there is no link, financial link, of an  
9     eligibility criteria.

10            MR. BEIDEMAN:  No.

11            MR. DELANEY:  A further answer to that.  One  
12     of the reasons why we still are very much interested in  
13     getting the data out the National Marine Fishery  
14     Service regarding the particular catch histories of  
15     these specific 47 vessels is to further analyze what  
16     were the catch histories and therefore what --

17                    (End of Tape 1, Side B.)

18            MR. DELANEY:  -- have that information.  So  
19     the type of analysis that you're talking about can't be  
20     done until we have the actual catch histories of those  
21     specific 47 vessels.

22                    Once we have that, it may, you know, new ideas

1 or new approaches may develop when we see what the  
2 distribution of catch histories were over those  
3 fisheries and a more close linkage between what is it  
4 that these people are being asked to give up,  
5 basically, relative to how much compensation would be  
6 appropriate. That linkage will become a lot more clear  
7 once we have that data.

8 Is that helpful?

9 MR. DUNN: Yeah, (inaudible).

10 MR. DUNNIGAN: Turn on your mike.

11 MR. DUNN: Title XI loan guarantees. Can  
12 someone tell me where the funding for that comes from?  
13 Is that government money or is that money that  
14 fishermen have put away?

15 My question goes to is this proposal double-  
16 dipping into the federal coffers. If it's industry is  
17 paying for half but their funding is coming from Title  
18 XI and that's really a government funded program,  
19 aren't the taxpayers paying twice? But I don't know  
20 the answer to that.

21 MR. DELANEY: Well, you almost got it.  
22 Actually, it's the federal ship financing fund is more

1 correct, and Bob Hayes is nodding over there because he  
2 probably wrote it or something.

3           And you can explain it better than I can, but  
4 basically it's a federal guarantee of a private sector  
5 loan to the industry, okay, which then would be  
6 distributed to those who are bought out, and then the  
7 remaining industry, whatever that principle amount plus  
8 -- would be amortized over, I think, a 30-year period  
9 with interest, whatever the standard government rate of  
10 interest is for this type of thing, and would be paid  
11 back by the industry in increments, basically just  
12 paying a debt service, through assessments on  
13 swordfish.

14           And one thing -- I might as well go ahead and  
15 elaborate a little bit since it brought me to this  
16 point -- is, okay, what is it assessed on? And we'd  
17 like to assess it on swordfish of Atlantic origin, for  
18 obviously reasons, not on swordfish of Pacific origin.  
19 We are trying to advance the conservation of Atlantic  
20 swordfish. This is all something that comes --  
21 basically, its origins are in ICCAT so we felt it  
22 appropriate to just restrict it to assessments on

1 Atlantic origin swordfish.

2 And then further, that it would be equitably  
3 assessed on swordfish of Atlantic origin caught by U.S.  
4 fishermen and caught and entered into the United States  
5 by foreign fishermen, under the theory that any  
6 swordfish that we conserve and any small swordfish that  
7 we protect in our own zone accrues to the benefit of  
8 all North Atlantic swordfishing nations because they  
9 are highly migratory species by definition.

10 And so we share -- perhaps one way to look at  
11 it is since we have 29 percent of the North Atlantic  
12 quota, we would get 29 percent of the benefit of  
13 protecting any small swordfish within this zone and 81  
14 percent of the benefit would go -- no, the other way  
15 around -- 79 percent of the benefit would accrue to all  
16 the other North Atlantic swordfishing nations, many of  
17 which export product into the United States. So the  
18 assessment would be on all Atlantic swordfish marketed  
19 within the United States.

20 Is that clear?

21 MR. DUNNIGAN: We need to -- we have the other  
22 presentations. We want to make sure we can get to it

1     so we want to try to maybe take not more than another  
2     five minutes of questions about this one.

3             I've got Mau Claverie, Russ Nelson. Mike  
4     Nesman (phonetic), did you want to ask a question too?  
5     Mike Nesman, Bob Spaeth and Steve Loga and Sonja, and  
6     then we're going to move ahead. And we're going to get  
7     all that done in five minutes.

8             MR. DELANEY: I'll try to give shorter  
9     answers.

10            MR. DUNNIGAN: Go ahead, (inaudible).

11            MR. CLAVERIE: I'll try to ask short questions  
12     to John about the legislation. The Gulf Council has  
13     requested and Rebecca has responded to add as a  
14     criteria enhancing the catchability of the billfish for  
15     the recreational fishery in the Gulf as one of the  
16     criteria to look at for time/area closures. Of course,  
17     all the other things have to be looked at too.

18            But this particular closure that you're  
19     talking about in the Gulf is not going to benefit  
20     billfish very much, the marlins. It's a swordfish  
21     deal. We have always thought that "longlining" is  
22     different kinds of fisheries in the Gulf, and the

1 language in the billfish plan is carefully crafted to  
2 say that what the problem is is between the  
3 recreational fishery and the other fisheries that have  
4 a bi-catch of billfish. It didn't just say longlines.  
5 It said bi-catch of billfish.

6 We assume that if there is a bi-catch of  
7 billfish that there is an adverse impact on the  
8 recreational fishing success as a result of that. We  
9 don't know that. What we do know from the data that's  
10 historically been gathered in the Gulf is that when  
11 there is a yellowfin longline operation going on in the  
12 Gulf of Mexico in the summer months, it does adversely  
13 impact the fishing success substantially of the  
14 recreational fishery.

15 There are other longline fisheries in the  
16 Gulf. There is the swordfish fishery which is this  
17 closure that we're talking about, and there is the  
18 shark fishery, which I don't know if they catch any  
19 billfish. They might catch a few but not many.

20 The bluefin tuna longline fishery which no  
21 longer goes in the Gulf impacted marlins very little  
22 because they weren't in the Gulf that time of year.

1           So my question is could that criteria be added  
2   into your legislation or is the door closed on that?

3           MR. FLYNN:  (Inaudible.)

4           MR. CLAVERIE:  It's not there.

5           MR. FLYNN:  It's not there as a swordfish  
6   issue; however, and I'll stress -- and please everybody  
7   hear what I'm saying -- is that Senator Breaux will  
8   continue to work with -- I mean, he went on the record  
9   in saying that in New Orleans (inaudible) and others.

10          MR. CLAVERIE:  Yeah, well --

11          MR. FLYNN:  I guess I'm looking around for a  
12   little bit of help.

13          A PARTICIPANT:  Yes, John is correct.  John is  
14   correct.  Senator Breaux gave us assurance, yes --

15          MR. FLYNN:  (Inaudible) I mean the swordfish  
16   issue, the yellowfin tuna issue as well.  He came back  
17   and told me that, Senator Breaux, so I don't -- but  
18   it's not in the swordfish legislation.

19          MR. CLAVERIE:  Well, quite frankly, yellowfin  
20   longline fishery is the biggie and the chances of an  
21   agreement there are much slimmer than an agreement with  
22   the swordfish fishery, I think.  I'm just guessing.



1 MR. DUNNIGAN: Russ Nelson.

2 MR. NELSON: Thank you, Jack. Russell Nelson.  
3 I guess three real short questions. One, what is  
4 currently the value of a -- or is anticipated to be the  
5 value of the longline permit, the pelagic longline  
6 permit, the HMS permit?

7 Two, can a permit be sold and transferred to a  
8 larger vessel?

9 And, three, the language here says that the  
10 vessels can't be reflagged under a foreign flag or  
11 inter -- another closed U.S. fishery. What does that  
12 mean, a closed U.S. fishery? Does that mean any  
13 current fishery for which there is a permit required or  
14 entrance is limited?

15 MR. DUNNIGAN: Glen Delaney.

16 MR. DELANEY: I'll answer the last question  
17 because I think there's people more competent on the  
18 limited entry permits and all that.

19 But on the issue of closed fishery, would mean  
20 a closed, limited entry fishery. If you don't have a  
21 permit, I mean, it's a statement of the obvious,  
22 Nelson, but for some people it was important to point

1 out if you're on the Hill that they would not be able  
2 to fish in another fishery for which they did not have  
3 a permit.

4 MR. NELSON: The legislation would not  
5 preclude them from using their vessel -- from obtaining  
6 a permit and using their vessel in another fishery?

7 MR. DELANEY: That's correct, if such permit  
8 is available. And they may already possess such a  
9 permit. Some of these vessels are multiple permit-  
10 holding vessels and the question they have to make is  
11 do they just get out of fishing or do they -- you know,  
12 they certainly would get out of longlining fishing  
13 because of the closed area.

14 Now, on the issue of the value of a permit --

15 MS. LENT: I'm not aware of any transactions  
16 that have taken place yet. If anybody from the floor  
17 would like to weigh in, you could. Of course, you can  
18 sell your permit. There is an upgrading restriction.  
19 It's in the FMP. It's well described in there. I  
20 believe it's 10 percent on tonnage, gross net and  
21 length, and it's a one-time restriction, 20 percent of  
22 horsepower. Those are all laid out in the FMP. I can

1 find that page for you.

2 MR. DUNNIGAN: Mike Nesman.

3 MR. NESMAN: I'm intrigued by the first  
4 question that David asked regarding the percentage  
5 reduction and how those are calculated. Obviously, I  
6 understand Glen and your point that 45 percent of the  
7 small swordfish come from the areas that we're talking  
8 about, but I don't think it's fair to assume that no  
9 other small swordfish are going to be caught if you  
10 catch the quota in other areas.

11 So my question would be to NMFS. You  
12 obviously have looked at some of these closed areas.  
13 How would this calculation be done to tell us what  
14 we're looking, for example, at a 45 percent reduction.  
15 Is it possible now or would it be possible, you know,  
16 tomorrow to make an estimate of what the actual  
17 reduction would be assuming you caught the quota  
18 somewhere else?

19 MS. LENT: If you look at -- again, Karyl,  
20 conducted the same analyses as for the time/area  
21 closures that we suggested for the Blue Water area one  
22 and Blue Water area two, and that's on these graphs

1 here. And that assumes that all that efforts gets  
2 displaced. It gets displaced outside of the Blue Water  
3 closed area.

4 Now, it may be that there would be, in fact,  
5 fewer sets if we have a buyout and we buy out a lot of  
6 the small boats. So this assumes that every single set  
7 that's made in the closed area, it gets made in an area  
8 outside.

9 MR. NESMAN: But you also conceivably could  
10 have more sets.

11 MS. LENT: Depending on how many sets it takes  
12 until the fishery is shut down and --

13 MR. NESMAN: To catch your quota.

14 MS. LENT: With larger fish you would expect  
15 fewer sets.

16 MR. NESMAN: Well, they could be more random.

17 MR. DELANEY: (Inaudible) provide a further  
18 answer to that?

19 MR. NESMAN: Let me just finish my question  
20 and then I'll be glad to hear what you have to say. At  
21 the same time we're looking at a quota reduction so  
22 none of that is factored into this; is that correct?

1     So this is just basically a status quo but closing the  
2     area.

3             Thank you.

4             MR. DUNNIGAN:   Glen.

5             MR. DELANEY:   I would just like to clarify  
6     further.  I believe your analysis is a percent of total  
7     U.S. landings.

8             MS. LENT:   Right.

9             MR. DELANEY:   Many landings of which occur  
10    outside the U.S. EEZ, and our presentation is based on  
11    percent of landed within the EEZ.  So it's two very,  
12    very different numbers so it is not a relevant  
13    comparison to say it would be 27 percent instead of 45  
14    percent.  Okay, that's not a relevant comparison.

15            I just want to make sure everybody understands  
16    that.  One of the two would have to be normalized to  
17    either everything or just the EEZ.

18            We thought for the purpose of this discussion  
19    since it's -- we're talking about U.S. fisheries under  
20    U.S. direct management control with our EEZ, that was  
21    the relevant thing to look at because some of our  
22    catches are dispersed in quite distant water and I

1     don't know that the time/area closure issue is really  
2     relevant to our distant water fleet, so that's why we  
3     talked about EEZ because it's more of the coastal fleet  
4     that we're talking about.

5             But, I mean, you can make arguments either  
6     way. It was just a basis to standardize it. But it  
7     should be known that their numbers are total and our  
8     numbers are EEZ and they're very different.

9             MR. DUNNIGAN: Bob Spaeth.

10            MR. SPAETH: (Inaudible.)

11            MR. DUNNIGAN: Steve Loga.

12            MR. LOGA: About the buyout, one of the things  
13     maybe I don't quite understand is that if 47 boats are  
14     bought out, that's a significant amount of boats that  
15     are being bought, Dave. There is still only 365 days a  
16     year.

17            We are under our limited entry on the  
18     swordfish. How many more boats can fish? How much  
19     more fish can we actually catch? I don't think you'll  
20     see the quota even met after that 47 boats are caught.  
21     If not, it will be very close. We won't have a closure  
22     any more, but I would think it's a win-win situation

1     for you guys and I would think you'd probably be  
2     patting us on the back.

3                 MR. DUNNIGAN:  Let's keep right now to  
4     questions about the proposal, okay?  Glen Delaney.

5                 MR. DELANEY:  Okay, just a couple points on  
6     that.  I believe there are -- and somebody correct me  
7     who knows exactly -- 202 pelagic longline permitted  
8     vessels.  Is that the right number?  Swordfish I'm  
9     talking about.  Swordfish.

10                MS. LENT:  Direct is around 180.  We'll look  
11     it up.

12                MR. DELANEY:  Okay, so we're talking about 25  
13     to 30 percent of the swordfish longline fleet being  
14     eliminated, okay.  Maybe that's a context everybody  
15     ought to chew on.

16                And then secondly, one thing that Nelson is  
17     trying to bring out and is not quantified here, is if  
18     those 47 vessels were removed, these are 47 vessels  
19     that have 50 percent or more of their activity within  
20     this zone.

21                Well, that means that up to 50 percent of  
22     their activity is not within this zone, okay, so there

1 is a whole bunch more fish that will not be caught by  
2 these vessels outside the zone. Now, granted, the  
3 large fish harvest may well be met through the quota.

4 A PARTICIPANT: (Inaudible.)

5 MR. DELANEY: Right. And what would be wrong  
6 with that, David, if that's the quota? I mean, is --

7 MR. DUNNIGAN: David.

8 MR. WILMOT: My only response would be to a  
9 calculation of the savings that are associated with  
10 closing an area. That's what I've tried to focus all  
11 of my questions on. One must make assumptions  
12 regarding what's going to happen outside of a closed  
13 area when changes occur in a closed area. Whether one  
14 ties the boats up, whether one takes them and forces a  
15 different gear, one must make assumptions.

16 Those assumptions here are that not a single  
17 juvenile swordfish gets killed outside the closed area.  
18 I argue that is an invalid assumption.

19 MR. DELANEY: That's an incorrect statement.  
20 It does not assume that not a single juvenile swordfish  
21 -- it assumes that 43 percent of the -- or 55 percent  
22 will still be killed outside the zone. What you're



1     trying to say --

2                 MR. WILMOT:   Not an additional small swordfish  
3     beyond what that fleet outside the closed areas are --

4                 MR. DELANEY:   And maybe just the answer is for  
5     you is what NMFS has presented, which is an area of  
6     swordfish three which is very close.  You know, and I'm  
7     sure with a little bit of modification we could compare  
8     apples to apples and make the geographic area exactly  
9     the same, but I doubt the numbers are going to be  
10    hugely different.

11                But not talking about the EEZ, the answer is  
12    27 percent of total U.S. landings, correct?  Is that  
13    the number somebody threw out, 27 percent?

14                A PARTICIPANT:  (Inaudible.)

15                MR. WILMOT:   And, Glen, I agree with --

16                MR. DELANEY:   Why is it so hard to understand?

17                MR. WILMOT:   No, no, it's not hard to  
18    understand at all.  And you know what?  I'm going to  
19    sound like a broken record, but it gets back to what  
20    I've been saying for years.  This is why one needs a  
21    goal.  If you don't know where you're trying to get,  
22    how would you know if the 27 feels good or, if one

1 actually looks at area three, Glen, you're talking  
2 about 18 percent, an 18 percent reduction in bi-catch.

3 Now, we may all agree that that's enough. I  
4 suspect if I'm included in the vote the answer would be  
5 no, but the point is if once again no goal here, no  
6 goal of what one is trying to accomplish. You're just  
7 picking an area. You can quantify the boats, you can  
8 quantify the area, but nobody wants to talk hard  
9 targets. It's a fatal flaw in this discussion.

10 MR. DUNNIGAN: Sonja Fordham.

11 MS. FORDHAM: Sonja Fordham, Center for Marine  
12 Conservation. Just to clarify Russ Nelson's question,  
13 is it true that there is nothing to prevent boats from  
14 getting compensated for their permits and then fishing  
15 in the U.S. Pacific longline fishery?

16 MR. DUNNIGAN: Glen.

17 MR. DELANEY: (Inaudible.)

18 MS. LENT: If these are mostly small vessels  
19 I'm not sure that it would work. I see (inaudible)  
20 waving his arms up (inaudible).

21 A PARTICIPANT: (Inaudible.)

22 MS. FORDHAM: Well, I would just suggest with

1     our global overcapacity problems and international  
2     agreements that maybe you would look into ways that  
3     retiring the vessels as they've done in New England  
4     ground fish.

5                 MR. DELANEY:  (Inaudible) don't know the  
6     situation over there so that's why I hesitate to answer  
7     your question and -- is that helpful?  I mean, the  
8     spirit intent is clearly there.

9                 MR. DUNNIGAN:  Nelson, and then let's see if  
10    we can move ahead.

11                MR. BEIDEMAN:  Yeah, for one thing, these  
12    boats in this particular coastal area would not have  
13    the ability of fishing over 200 miles offshore from  
14    California or to, you know, even reach Hawaii if they  
15    had the limited access permits that are already in  
16    place in the Pacific which, to my knowledge, none of  
17    them do.

18                There is a couple of other things I wanted to  
19    bring up, Jack.

20                MR. DUNNIGAN:  Quickly.

21                MR. BEIDEMAN:  All right.  You've been given a  
22    handout of what is Jean Kramer's analysis of this.  We

1 did not analyze this ourselves. This is Jean Kramer's  
2 analysis.

3 And what is actually comes out to is 47.4  
4 percent, and the only calculation or deduction that was  
5 made was the 47.4 is all swordfish discards. The 45 is  
6 undersized, small swordfish discards, taking out the  
7 chunks and shark-bit, you know, catches. And it also -  
8 - you know, these areas closures would include 24  
9 percent of the billfish interaction reductions.

10 And one other thing is, David, you know, there  
11 wouldn't be more sets. I've heard more sets a few  
12 times. You know, the quota is the quota. The quota is  
13 not going up. As you know, the quota is going down.  
14 There wouldn't be, you know, ultimately more sets. You  
15 know, it would be ultimately less.

16 A PARTICIPANT: (Inaudible.)

17 A PARTICIPANT: (Inaudible.)

18 MS. PEEL: We're talking billfish now, John,  
19 the most important fish in the sea.

20 The Billfish Foundation, as I hope most of you  
21 know, is interested in the conservation benefits that  
22 can be derived from time and area closures that could

1     reduce billfish bi-catch mortality. To get the data  
2     and to identify such areas and times, we asked Dr. Phil  
3     Goodyear to look at the catch data and see where the  
4     concentrations of billfish bi-catch is highest. We  
5     certainly looked at the area that the Blue Water  
6     identified on the east coast and, as they pointed out,  
7     there are benefits for billfish there also, reducing  
8     billfish bi-catch.

9             I will say, however, for the area in the Gulf  
10    of Mexico that was identified by Blue Water, it will  
11    not help reduce billfish bi-catch at all in the Gulf of  
12    Mexico.

13            A third point, as you will see from Dr.  
14    Goodyear's graphs -- and I think you'll find these much  
15    easier to follow than the information that NMFS put  
16    out, not that -- it's just a different method of  
17    presenting it. I think you will find it much easier to  
18    follow.

19            We have looked at the area identified by Blue  
20    Water, but there is also a very important area -- where  
21    did John go? John, this is a sentence for you. We  
22    also looked at areas in the Gulf of Mexico in addition,

1     and there is one very important area in Senator  
2     Breaux's back yard that would help billfish immensely  
3     by reducing billfish bi-catch.

4             And let me add, John, that this area in the  
5     Gulf in Senator Breaux's back yard also has -- it's not  
6     just yellowfin, while that's the predominant fishery,  
7     it also is part of the swordfish fishery as well.

8             So once we had Dr. Goodyear to assess this  
9     data, then the Billfish Foundation and CCA went and met  
10    with Senator Breaux and showed him this data. In fact,  
11    Senator Breaux was so impressed with what he saw in the  
12    Gulf of Mexico and New Orleans, he said, "My goodness,  
13    I was planning on going to British Virgin Islands in  
14    August to fish for billfish, but according to our own  
15    data, billfishing would be much better in Texas." And  
16    we told him it would be if, in fact, this legislation  
17    did include the Gulf of Mexico area.

18            So what we're wanting to do is to have the  
19    area that you see Dr. Goodyear will clearly identify  
20    for you included in this legislation that is moving  
21    forward so that there is not only benefits on the east  
22    coast for swordfish and the swordfish fishery, but

1     there are also benefits, conservation benefits, for  
2     billfish in the Gulf of Mexico. So we would like to  
3     see a combined legislative package that would include  
4     both areas because the other proposed longline closure  
5     in the Gulf is meaningless to billfish, and swordfish  
6     are included in this western area.

7             Now, Phil is going to pull up a series of maps  
8     and charts that will show the concentrations of  
9     billfish bi-catch discards by month in different cells.  
10    This is all the catches taken by the U.S. -- reported  
11    by the U.S. longline fleet, whether they are within the  
12    EEZ or beyond.

13            MR. GOODYEAR: (Inaudible.)

14            MS. PEEL: What?

15            MR. GOODYEAR: (Inaudible.)

16            MS. PEEL: Well, it's -- okay, he's got the  
17    maps actually hidden underneath the disk. If we can  
18    figure out how to get rid of the disk.

19            And I think what was so surprising to us and  
20    to Senator Breaux and everyone else that has looked at  
21    this -- in fact, I might even say I think Nelson from  
22    his reaction and Glen's -- was that the interaction

1 with billfish in the western central north Gulf was  
2 much higher than most people -- I think the folks from  
3 Texas will have a hugely better fishery.

4 In fact, from Texas clear to Pennsacola and  
5 since the fish are migrating clockwise, the benefits  
6 will come all the way down the western part of Florida  
7 all the way to Key West. So if the closure is in  
8 place, it will have a tremendous benefit, conservation  
9 benefit, for billfish.

10 MR. DUNNIGAN: Go ahead, Phil.

11 MS. PEEL: He's going to, Jack.

12 MR. GOODYEAR: Slow down.

13 MS. PEEL: Do you have a mike?

14 MR. GOODYEAR: Yeah. What I wanted to say to  
15 start with, this data is also based on the longline log  
16 books that I got from the National Marine Fisheries.  
17 It is based on an average of all the log books from  
18 1972 through -- excuse me, 1992 through 1997.

19 And I want to mention that because it's  
20 important in terms of billfish because reporting has  
21 been going down and in the last two years, particularly  
22 for blue and white marlin, the reporting rate is the



1 lowest that we've seen and the data are very sparse.

2 So you need to think about that in looking at the  
3 billfish and the analyses that you're doing.

4 Okay, well, all right. Basically what I did  
5 was to take the data and divide it into time and area  
6 cells. The cells were five-degree, two-degree, or one  
7 degrees in longitude, and pull all of the data by  
8 month.

9 I then sorted based on the percent of billfish  
10 in the catch of targeted species. Actually, it's  
11 billfish discard, dead discards, in the catch of  
12 targeted species. I identified those cells which, if  
13 eliminated, if you eliminated all of the effort in  
14 those cells, you would reduce the billfish bi-catch by  
15 50 percent. This simply identifies the areas where the  
16 bi-catch is very high.

17 Now, these particular plots, the cells that  
18 are stippled, have effort in them. The colored -- the  
19 yellow represent cells of five degrees latitude and  
20 longitude that exceeded that 50 percent criterion.

21 A PARTICIPANT: (Inaudible.)

22 MR. GOODYEAR: Five degree.

1           A PARTICIPANT: The green (inaudible).

2           MR. GOODYEAR: Yeah, I was. It's green here  
3 but it's yellow here.

4           A PARTICIPANT: Okay.

5           MR. GOODYEAR: Okay. The red -- yeah, the red  
6 is the same thing by two degrees and the black is the  
7 same thing by one degree.

8           What you want to look for for areas of very  
9 high percentage of billfish in the catch, not  
10 percentage of the catch are billfish overall but the  
11 percentage of billfish in the catch, are areas where  
12 there is black within red within yellow.

13           We'll switch here for a second and run through  
14 a series that goes month by month, and you can follow  
15 the distribution. Basically, what I want you to notice  
16 is that the although the fish are south down in this  
17 area in the winter, during the summer they move up  
18 (inaudible).

19           MS. PEEL: Watch the Gulf of Mexico, May  
20 through August.

21           MR. GOODYEAR: (Inaudible) June, July, August,  
22 September.

1           I'm make this presentation real short here. I  
2   presented some of this to you before and last time I  
3   suggested -- well, I pointed out -- that the actual  
4   selection of various should require more than just a  
5   scientist doing it, a scientist perspective.

6           But since I hadn't gotten anybody to help, I  
7   suggested three areas based on the combination of the  
8   catch rates and the amount of effort and the fact that  
9   they were consistent, contiguous blocks.

10           One was a closure June through August in the  
11   central and western Gulf, one was March-April down  
12   south, and the third was a June through August closure  
13   up along the northeast coast.

14           After discussions had gotten started with the  
15   proposal to -- for the legislative proposal, Ellen  
16   asked me to look at it again, and I actually  
17   (inaudible).

18           The area with the highest reduction was this  
19   area from the Gulf. I hadn't really looked at where  
20   the fish were in particular, but once we -- actually,  
21   once Ellen started me looking I went in more detail and  
22   started looking at the actual areas that are involved

1 in that catch rate.

2 And you can see here, this is (inaudible)  
3 shows some of the percentage rates in the Gulf at  
4 various levels right off (inaudible) which is  
5 (inaudible) two degrees by five degrees (inaudible) of  
6 which almost all of that high bi-catch occurred. It is  
7 much higher there than anywhere else.

8 The bi-catch in that area is much higher than  
9 it is outside that area, and I think if you redo your  
10 analysis with a smaller grid size you'll find a  
11 difference because you're diluting some of the bi-  
12 catch. Some of the lower catch rates outside of that  
13 area are combined with the high catch rates inside, and  
14 I think you'll find a better -- at least for billfish.

15 Now I want to point out that the reason that  
16 this area is, I think, particularly important for  
17 billfish bi-catch is that it's involved in a yellowfin  
18 fishery and it's the same problem off the New England  
19 coast -- well, not New England but the New Jersey north  
20 and, well, primarily New York and New Jersey coast.

21 In terms of the magnitude of what is being  
22 caught in these areas, this is the depiction of the two

1 areas that are, I think -- I have urged and the  
2 Billfish Foundation is proposing that this Gulf area be  
3 included, or at least considered, in the proposal.

4 If you include it along with the other area --  
5 the small Gulf area is not terribly important, at least  
6 for billfish -- if you could eliminate all of the  
7 effort in those areas and not distribute it elsewhere,  
8 you get about a 50 percent reduction in the blue marlin  
9 bi-catch, dead discards bi-catch, and about a 75 or 70  
10 percent reduction in sailfish. Obviously, some of that  
11 effort is going to go somewhere else.

12 MS. PEEL: Now, did everyone hear that? He  
13 said a 50 percent reduction in blue marlin bi-catch  
14 mortality discard and 70 percent in sailfish. Those  
15 are pretty high numbers.

16 MR. GOODYEAR: Those are for the EEZ.

17 MS. PEEL: (Inaudible.)

18 MR. GOODYEAR: No displacement.

19 MS. PEEL: Without accounting for displaced  
20 effort?

21 MR. GOODYEAR: Without accounting for  
22 displaced effort.

1                   MR. BEIDEMAN: That's in combination with  
2 BWFA-1 and 2?

3                   MR. GOODYEAR: Yes. And that's really all I  
4 had to say.

5                   MS. PEEL: Okay, now I'd like to go back --

6                   MR. DUNNIGAN: Ellen Peel, Billfish  
7 Foundation. I'd like to get back to what Dave Wilmot  
8 was bringing up. We are interested in the conservation  
9 benefits both in the regulatory process as well as the  
10 legislative process, but since we have been involved  
11 with the legislative process we also have -- that  
12 continues and can be combined in this piece of  
13 legislation.

14                   The area in the Gulf is not a permanent  
15 closure, as is the one off the South Atlantic. We're  
16 looking for only four months there.

17                   Thank you.

18                   MR. DUNNIGAN: Nelson and then Steve Loga.

19                   MR. BEIDEMAN: A couple of questions for Phil.  
20 Phil, what is the target catch losses, because, you  
21 know, what I've passed out here, okay, Terry took your  
22 information, put it into one degree by month, okay, and

1 set out the average.

2 And if compare what the gains on billfish with  
3 the losses of the target species, it's pretty erratic.  
4 It's all over. Fifty percent of the target species  
5 would be lost during this time in that -- in the Gulf  
6 of Mexico.

7 MS. PEEL: Are you talking about the Gulf,  
8 Nelson, or are you talking about the South Atlantic?

9 MR. BEIDEMAN: I'm talking about in the Gulf  
10 of Mexico. Over 50 percent of the yellowfin.

11 A PARTICIPANT: (Inaudible.)

12 MR. GOODYEAR: Well, let me make two points.  
13 Yes, there's going to be a loss of yellowfin, and  
14 yellowfin is a principal target species in those  
15 months.

16 A PARTICIPANT: We can't hear you.

17 MR. GOODYEAR: I said, yes, there would be a  
18 loss of yellowfin. But if you compare animal by  
19 animal, particularly in the recent years, your  
20 comparison is muddled I think quite a bit because a lot  
21 of the billfish are not being reported. We can see  
22 that. We've seen a decline in the reporting.

1           I say that based on the ratio of reported --  
2   ratio of catch rates on observer vessels versus catch  
3   rates as reported in the log books. When observers are  
4   on the boats the catch rates for billfish are much  
5   higher.

6           MS. PEEL: So this could mean that whatever  
7   the savings is could be two, three, and four times  
8   higher as the observer data quantified at the last  
9   stock assessment. The gains could be even that much  
10   higher.

11          MR. GOODYEAR: At least, and particularly for  
12   the most recent years. But there still is a lot --  
13   there are a lot more fish in the directed fishery that  
14   are going to be lost than individual fish.

15          MR. BEIDEMAN: And the loss is higher.  
16   Fishermen don't report their catches and discards fully  
17   accurately.

18          MR. DUNNIGAN: Steve Loga.

19          MR. LOGA: Phil, when the Billfish Foundation  
20   looked at this did they, since I guess you looked at  
21   the log book coverage, was there a difference in the  
22   amount of billfish caught live bait versus dead bait?



1 MR. GOODYEAR: I didn't look at that.

2 MR. LOGA: Okay. And on the target catch of  
3 yellowfins, did the Billfish Foundation -- I guess they  
4 didn't really look at how much yellowfins were lost  
5 during that time of the year?

6 MR. GOODYEAR: I have that -- those  
7 calculations but I don't have them on the top of my  
8 head.

9 MR. LOGA: Okay. And also the areas right  
10 there, would it be true that the four months out of the  
11 year probably or the four months out of the year that  
12 fish are mostly in the Gulf of Mexico probably for the  
13 highest rates for all catches, not just billfish?

14 MR. GOODYEAR: Absolutely.

15 MR. LOGA: So it's probably the four months  
16 out of the year?

17 MR. GOODYEAR: At least for yellowfin and  
18 billfish.

19 A PARTICIPANT: (Inaudible.)

20 MS. PEEL: And that also means mahi-mahi and  
21 other fish would also reap the benefits.

22 MR. GOODYEAR: Mm-hmm.

1                   MR. DUNNIGAN: We have Mau Claverie, Russ  
2 Nelson and Randy Blankenship. Mau.

3                   MR. CLAVERIE: Yeah, Nelson, in I forget what  
4 it was, the '60s or '70s, a Japanese longliner was  
5 seized in Panama because they had done something bad in  
6 the EEZ. I think it might have been so long ago it was  
7 a fishery zone.

8                   A PARTICIPANT: (Inaudible.)

9                   MR. CLAVERIE: All right. And they took the  
10 testimony, the depositions, of the captain and the  
11 first mate and a crew member, and their sworn testimony  
12 was that on the average in the Gulf of Mexico when they  
13 put a longline out it was 20 head of marlin every set.  
14 That's how good it used to be, or that's how an  
15 accurate count was under oath. I don't think which it  
16 is.

17                   But anyhow, that's a piece of history in the  
18 Gulf from the yellowfin longlining as the operations  
19 they were conducting during the summer.

20                   MR. NELSON: Phil, in looking at the catches,  
21 are yellowfin and marlin billfish, is there a real high  
22 correlation between them throughout the time and space

1 cells? Do they separate? Are they contiguous or do  
2 marlin move on and yellowfins stay behind, or do they  
3 tend to track each other throughout the whole year?

4 MR. GOODYEAR: I can't really answer that.

5 MR. NELSON: The point of my question --

6 MR. GOODYEAR: From the data I've looked at, I  
7 think they probably do coincide pretty much.

8 MR. NELSON: Well, the point of my question  
9 would be if you closed a certain period of time, after  
10 that time would blue marlin move on elsewhere and the  
11 yellowfins still be there and be available to be taken,  
12 or would that yellowfin catch pretty much be lost as  
13 the blue marlin bi-catch was lost?

14 MR. GOODYEAR: I don't know.

15 MR. DUNNIGAN: Randy.

16 MR. BLANKENSHIP: I notice that looking at the  
17 -- Randy Blankinship, Parks and Wildlife, Texas.  
18 Looking at the NMFS proposals under Billfish 1 and 4  
19 show not only a reduction of blue marlin and sailfish  
20 discards but also of large coastal sharks.

21 And when you spread that -- their areas of  
22 proposed closure is out across the Gulf, you don't get

1 as much of a reduction in discards for large coastal  
2 sharks or for sailfish, it doesn't seem like from just  
3 looking at this real quickly.

4 How do you think this would compare  
5 specifically with sailfish and then also with large  
6 coastal sharks with that area right there?

7 MR. GOODYEAR: I'm not sure with large  
8 coastals but I'm fairly sure that this area would  
9 behave better for billfish than the larger areas  
10 because of the way the displaced effort is treated.

11 MR. BLANKINSHIP: For billfish, but we don't  
12 know about sharks.

13 MR. GOODYEAR: I don't know. I haven't looked  
14 at the coastal sharks so I would be hesitant to say  
15 anything.

16 MR. DUNNIGAN: Nelson.

17 MR. BEIDEMAN: I'm still a little bit confused  
18 as far as are these hot spots? Are these, you know,  
19 disproportionately high areas of billfish interaction,  
20 or are these in fact, you know, disproportionately high  
21 areas of effort during this time and in that region?  
22 Because pretty much billfish has gone with effort.

1           MR. GOODYEAR: The areas were not identified  
2 by effort but by the percentage of billfish in the  
3 catch. So it's the percent of billfish and, actually,  
4 their catch was -- the target species included in the  
5 analysis were yellowfin -- I can't remember now --  
6 yellowfin, swordfish, mahi, and something else. I  
7 can't recall right at the moment.

8           But effort was not included in the  
9 identification of the areas of highest catch.

10          MR. BEIDEMAN: Right. You haven't looked at  
11 it as far as catch per unit of effort?

12          MR. GOODYEAR: Well, yes, I have in doing the  
13 calculations of what's actually removed. You have to  
14 do that calculations in the catch in the areas so I  
15 have done that.

16          MR. BEIDEMAN: Have you looked at how many  
17 boats would be affected? You know, how many of the  
18 approximately 103 business that fish in the Gulf of  
19 Mexico in recent years would be impacted?

20          MR. DUNNIGAN: No.

21          MS. PEEL: Nelson, you said you thought there  
22 was 110 and Steve said he thought there was 80, so

1       probably somewhere between those.

2               MR. BEIDEMAN:   Probably all the boats in, you  
3       know, pelagic longline boats in the Gulf of Mexico fish  
4       in those areas during the four months, you know, 52 of  
5       which are, you know, I believe in Senator Breaux's back  
6       yard, Louisiana.

7               A buyout for those boats would be 40 or 50  
8       million dollars.

9               MS. PEEL:   We weren't talking buyout on those.

10              MR. BEIDEMAN:   You would have to for four  
11       months.

12              MR. DUNNIGAN:   Steve Loga.

13              MR. LOGA:   Phil, another question.   If we  
14       displace that fleet, do you feel that we're going to  
15       push them into another area?   Will they have problems  
16       anyway?   You and I discussed it that the western Gulf  
17       of Mexico is probably the most prolific fishing grounds  
18       that we have in the Gulf, and the reason why the  
19       catches maybe aren't -- maybe look a little different  
20       than towards the eastern Gulf.   Maybe it's because  
21       their boats aren't there.

22              Do you feel that there is going to be a

1     problem if we move those boats that way also?

2                 MR. GOODYEAR: Well, I mean, that's the whole  
3     problem behind trying to estimate what the displaced  
4     effort is going to do. That effort will probably go  
5     someplace if it's not removed from the system. It  
6     probably will continue to catch billfish but because of  
7     the way the area has been identified, the catch rates  
8     almost everywhere else the catch per unit of effort for  
9     billfish is less.

10                So I would expect that although there might  
11     still be a problem it will be less of a problem. I'm  
12     not prepared to try to guess what it would be at this  
13     point.

14                MR. DUNNIGAN: Irby.

15                MR. BASCO: Thank you. Phil, a question for  
16     you. Did you all consider about the enforcement of  
17     that area of that size, like maybe vessel monitoring  
18     systems? Is that what you all have in mind if it would  
19     be a closure there?

20                MR. GOODYEAR: I've heard that discussed, yes.

21                MR. BASCO: And what is the size of that area?

22                MR. GOODYEAR: I haven't calculated it. It's

1 big.

2 A PARTICIPANT: It's big.

3 MR. BASCO: Thank you.

4 MR. DUNNIGAN: Other questions for Phil?

5 Nelson.

6 MR. BEIDEMAN: You know, Phil, we're talking  
7 about not removing the vessels in this proposal and,  
8 you know, we don't have an analysis of, you know, when  
9 we move them further east into further, you know, more  
10 concentrated swordfish, small swordfish nursery areas,  
11 you know, what that's going to do.

12 Can there be a calculation of displacing these  
13 vessels? I mean, where are they going to go? They  
14 either are going to be on the west coast of Florida  
15 escarpment or they go into the Caribbean where billfish  
16 catches can even be higher, or they go up into the Mid-  
17 Atlantic bigeye tuna fishery during those months.

18 MR. GOODYEAR: Well, they can't go to the  
19 Caribbean that time of the year and have higher  
20 billfish catch rates. Earlier in the year they could  
21 but during that part of the year they can't.

22 We can make any kind of assumption you want



1     about what the displaced effort is and make a  
2     calculation. I haven't done it because I don't feel  
3     competent to make a guess about what displaced effort  
4     is going to do.

5             What I have done when I have needed to make  
6     such a thing is to take the average catch rate for  
7     every area outside the particular area that's closed  
8     and apply that. I don't have any faith that that's  
9     terribly good.

10            MR. DUNNIGAN: Ellen Peel.

11            MS. PEEL: I was just going to, I think,  
12     emphasize what Phil was saying. At that time the boats  
13     can't go to an area that has a higher billfish catch  
14     rate, and Steve could elaborate probably as far as  
15     probably the size of the boats. They may be limited to  
16     go beyond the eastern Gulf. The billfish bi-catch on  
17     the eastern Gulf, you know, would be significantly  
18     lower.

19            MR. GOODYEAR: I take that back a little bit.  
20     They could possibly go around and go up the coast into  
21     New Jersey waters.

22            MR. DUNNIGAN: Nelson, and then we're going to

1     try to wrap up.

2                 MR. BEIDEMAN:   You know, what we're looking at  
3     here with the Gulf of Mexico vessels is a completely  
4     different scenario than the smaller fiberglass vessels  
5     that are along the east coast of Florida.  We're  
6     looking at basically ex-shrimpers.  We're looking at,  
7     you know, 65 to 85-foot steel hulls.

8                 Their basic move in the past has either been  
9     to go to Hawaii where the fishery is now closed or,  
10    more recently, they go down into South America and the  
11    Caribbean to escape regulations when they're pinched  
12    too hard.

13                And that is a concern that should be  
14    considered, and it would basically put the entire  
15    yellowfin tuna fishery in the Gulf of Mexico out of  
16    business by closing those boats or displacing those  
17    boats during the top four months of the season for that  
18    fishery.

19                They already sustained a month and a half to  
20    two months of swordfish quota closures.  Add an  
21    additional four months?  Who can withstand four to six  
22    months of their income being eliminated?  No business.

1     No business can. They would have to be compensated.  
2     They would have to be bought out, and it would be, you  
3     know, perhaps in excess of 40 to 50 million dollars.

4             MR. DUNNIGAN: We're going to have lots of  
5     opportunity to discuss this tomorrow. We're trying to  
6     get information out on the table right now.

7             Are there fact questions that you want still  
8     to ask? Ellen.

9             MS. PEEL: Well, I just want --

10            MR. DUNNIGAN: Not speak.

11            MS. PEEL: No, I just was going to note that  
12     Steve Loga could probably better describe the design of  
13     boat because he had a different opinion than what you  
14     had shared with us, Nelson. Most of these are  
15     Vietnamese American owned boats that are fishing right  
16     there in the Gulf that are not likely to go to Hawaii.

17            MR. DUNNIGAN: Steve, did you have a question?

18            MR. LOGA: No. Would the Billfish Foundation  
19     prefer us to move those boats into Mexico and fish  
20     those waters during that time of year?

21            MS. PEEL: I haven't looked at the bi-catch  
22     assessment to know what the rate of catch is there at

1       this time so I can't answer.

2                   MR. DUNNIGAN: Question? Bob Spaeth.

3                   MR. SPAETH: Yes.

4                   MR. DUNNIGAN: Turn on the mike, Bob.

5                   MR. SPAETH: Phil, back from our old refish  
6       days, if you take -- I guess you said anywhere between  
7       80 and 105 boats, whatever the number may be, if you  
8       take those boats out for six months, have you had a  
9       chance to look and see what other permits those vessels  
10      might have and what stresses or overstresses they may  
11      put on other fisheries if you don't somehow affect  
12      taking the vessel out? In other words, we know they  
13      have multi permits. Do we know what we're dealing with  
14      here?

15                  MR. GOODYEAR: The direct answer to your  
16      question is no. I haven't looked at that but we have  
17      been mixing up three and four and now six months. The  
18      analyses that I did were actually for three months --  
19      June, July and August. The Foundation is talking about  
20      adding September or has in part of the conversations,  
21      but the analysis we've really only done for June, July  
22      and August.

1                   MR. DUNNIGAN: Gail Johnson gets the last  
2 question.

3                   MS. JOHNSON: Thank you. Gail Johnson.  
4 Percentages are really interesting and they present one  
5 view of a situation, but I'm interested in knowing the  
6 actual numbers. In other words, how many marlins are  
7 we saving versus how many yellowfin, dolphin, and other  
8 sailable fish that support families and boats are we  
9 giving up?

10                  Do you have that information?

11                  MR. GOODYEAR: I have it in a notebook, except  
12 that I don't have billfish because of the non-reporting  
13 problem.

14                  A PARTICIPANT: (Inaudible.)

15                  MR. DUNNIGAN: Yeah, let's do it tomorrow.  
16 Let's see if we can wrap up now and come back for  
17 further discussion tomorrow.

18                  We're going to go -- we're going to take a  
19 break and then -- about a ten-minute break. And then  
20 the National Marine Fisheries Service will be running a  
21 public hearing. You've been given a lot of information  
22 this afternoon, hard copy, paper, and whatever. Take a

1 look at all of that tonight. You know, go over it and  
2 be prepared. We are going to have two hours at least  
3 tomorrow to talk about the time/area closures issue.

4 The AP will reconvene in the morning at 8  
5 o'clock. The HMS AP will reconvene at 8 o'clock  
6 tomorrow morning to talk about the bluefin tuna cap,  
7 and then the joint meeting of the panels will reconvene  
8 at 10 o'clock. So billfish people, you can sleep.  
9 Come back.

10 And everybody needs to be back here for the  
11 public hearing at 4 o'clock. You know, you need to  
12 hear from the people that are here to speak as well as  
13 everybody else. Hang around. Let's take a break.

14 (Recess.)

15 MS. LENT: -- gracefully given up his seat so  
16 we'll ask our speakers to come up one by one and speak  
17 at that chair.

18 Before we start I would like to ask that you  
19 please try and focus your comments on the two major  
20 issues relative to this meeting. Even though you are  
21 going to be limited in your time, please remember that  
22 if we go forward on any rulemaking on these issues

1 we're going to have public hearings and we're going to  
2 have a public comment period. So this is your first  
3 opportunity but definitely not your last to get your  
4 input here.

5 Due to the limited amount of time and the  
6 large number of people who want to speak, I would like  
7 to ask you to limit your comments to four minutes each.  
8 You can say a lot in four minutes. I also invite you  
9 to leave any kind of written document that you'd like.

10 Finally, I'll remind you of the ground rules.  
11 You address your comments to the Fishery Service and/or  
12 the advisory panel. Nothing personal, and nobody gets  
13 interrupted. We all respect each other's right to come  
14 up here and put in their four or five minutes of  
15 comment.

16 Okay? Thank you. All right, then we will  
17 start with Glen Delaney.

18 Rich.

19 MR. RUAIS: (Inaudible) few more AP members  
20 (inaudible) around the table (inaudible).

21 MS. LENT: We said we were starting at 4  
22 o'clock. It's now 5 or 6 after. AP members, do your

1 jobs and have a seat.

2 Glen Delaney, you're the first speaker. Right  
3 there at the mike where Robert Fitzpatrick was sitting.  
4 You have four minutes.

5 Thank you. Willie Ethridge. After Willie,  
6 Roy Hillhouse.

7 MR. ETHRIDGE: Rebecca, I spent about five  
8 hours driving here and I've got to spend about five  
9 hours driving home tonight, and since most of my  
10 comments are to the panel members I would prefer to  
11 speak later or wait till more of them take their seats.

12 A PARTICIPANT: (Inaudible.)

13 MS. LENT: I thought the cafe was closed.  
14 Well, if you don't mind, they were told that we started  
15 at 4 o'clock. I apologize, Willie. If somebody can  
16 figure out how the lights work, I would appreciate  
17 that.

18 Willie, let's just wait a few minutes if you  
19 don't mind.

20 Is Phil Cosack in the room?

21 A PARTICIPANT: (Inaudible.)

22 MS. LENT: Okay. Is Phil here as an AP



1 member. Is he taking somebody's place?

2 A PARTICIPANT:

3 MS. LENT: So Phil is after you. Please take  
4 your seats, advisory panel members. Our speakers are  
5 waiting for you.

6 Are you ready to start, Willie? Four minutes.  
7 Thanks.

8 MR. ETHRIDGE: My name is Willie Ethridge.  
9 I'm from Wanchese, North Carolina. I run a family-  
10 owned seafood business and I personally own three  
11 commercial longliners. I came to the meeting today  
12 because of my concerns about the time/area closure.

13 The income from my boats is somewhat less than  
14 50 percent of the requirement, I guess, for the buyout.  
15 I serve as a board of director on the Blue Water  
16 Fisheries Association and at our annual meeting two  
17 weeks ago I voted in support of the Blue Water  
18 Fisheries Association buyout program that Glen Delaney  
19 and the gentleman from Senator Breaux's office brought  
20 before you people.

21 I had tremendous reservations as a Blue Water  
22 director or as a person voting in support of that, but

1 knowing the tremendous amount of effort and work and  
2 the sincerity that Nelson Beideman put into this and  
3 knowing that as an industry we had to do something to  
4 address the catch of small swordfish, I voted for that  
5 proposal.

6           And I came to this meeting to see how it would  
7 be accepted. And I certainly wasn't shocked and I  
8 certainly wasn't surprised, but it was very, very,  
9 puzzling that when National Marine Fisheries -- let me  
10 know when I got about a minute left. When National  
11 Marine Fisheries came out with their proposal, the  
12 people from the environmental communities were silent.  
13 The people from the recreational communities, the  
14 advisory panel members, couldn't ask enough questions  
15 because they acted like they were just shocked, as I  
16 was, by something that we weren't expecting to see and  
17 I saw that Nelson was a little bit shocked.

18           After we got through that -- and, Rebecca, one  
19 thing you got to give me a 30-second extension because  
20 this is for your benefit. I have some real serious  
21 problems within National Marine Fisheries Highly  
22 Migratory Office, but there is under no conditions,

1     they could not pay me enough money to have your job.

2     For you to sit here with this group of people coming at  
3     you from three different directions, it's got to be a  
4     very, very tough job. And, you know, we're supposedly  
5     talking about swordfish and we've got the billfish  
6     thrown in there.

7                 But whatever the deal was, there was one  
8     gentleman here and when he introduced himself he said  
9     he was from the University of Memphis, and he asked the  
10    question about the economic impact. And I just -- I'm  
11    53 years old next month and I have a reputation of  
12    being an outspoken or a hard person, but I really am  
13    not.

14                And I can't understand how people can be so  
15    self-serving even when it's not for theirselves. I  
16    mean, it's like the environmental people that as much  
17    as I fight them and everything, I know that we have to  
18    have them and I'm glad that they're there. I can't say  
19    so much that I'm glad of certain individuals but I'm  
20    glad that there's somebody there that's looking out for  
21    the resource and the environment.

22                I have nothing -- no problems with the

1 recreational community except their greed factor. And,  
2 you know, coming from a family that my family moved to  
3 North Carolina because one of my ancestors got  
4 shipwrecked on a fishing boat out of Gloucester,  
5 Massachusetts, in the winter months and there was no  
6 way to get out of there.

7           So as a person that's been involved in fishing  
8 all of his life, you know, you have to change. And if  
9 they tell you you can't go catch king mackerel you --

10           (End of Tape 2, Side A.)

11           MR. ETHRIDGE: -- you've always done  
12 something. But we're getting to the point, we're  
13 getting to the end, that there's really absolutely  
14 nowhere else to go and maybe, you know, my daddy gets  
15 real mad when I say this, maybe it is time to sell out  
16 and get the hell out of it.

17           But the reason that it's that time is where I  
18 really have the problem. You know, there is supposed  
19 to be fair and equitable treatment between the  
20 different fisheries and just the double standard that  
21 goes on with this billfish issue, I just don't know how  
22 somebody that is in a position of power like you are,

1     Rebecca, can deal with the pressures that are put on  
2     you by people at the Billfish Foundation -- you told me  
3     not to get personal but I have to use that one -- that  
4     know that they kill far more billfish than longliners  
5     do. Probably 10 times, 50 times, more than the  
6     longliners do and they can offer a proposal up here to  
7     close an area for three months to commercial fishermen,  
8     to people making their living fishing in that area, and  
9     in the same three months have tournaments that would  
10    pay people as much as a half a million dollars for  
11    catching one fish that are just telling people that  
12    they can't go fishing because they might accidentally  
13    catch one, and even if they do catch it they've got to  
14    cut it off.

15                 And I've really rambled on. One more --  
16    another whole minute. The time/area closure that was  
17    proposed, the one, two, three, four, I was going to try  
18    to say something a little bit funny. When I'm talking  
19    publicly I have a hard time doing it, but if anybody  
20    saw the movie Goodwill Hunting, I was going to  
21    introduce myself as Badwill Ethridge.

22                 The guy in Goodwill Hunting was a mathematical

1     genius and Badwill Ethridge is having a real hard time  
2     with those graphs. Maybe if I get home and get some  
3     time by myself I might be able to figure them out.

4             But, you know, another thing I was going to  
5     say was my mother really stressed real hard that I get  
6     an education and I just didn't listen to her, and a lot  
7     of times through life I had wished that I had. And it  
8     kind of made me feel a little bit better when I seen  
9     Russ trying to -- Dr. Nelson trying to understand this  
10    thing who keeps bragging about -- excuse me, keeps --  
11    has all those titles in front of his name.

12            (Laughter.)

13            MR. ETHRIDGE: So I guess I might have made  
14    some people laugh but it just really bothers the devil  
15    out of me that people that work for a living are being  
16    restricted and regulated by people that want their  
17    pleasure to interfere with our livelihood.

18            I know that all this is wasted time except for  
19    the fact that the United States Congress passed the  
20    Magnuson Act and they instructed you, National Marine  
21    Fisheries, to treat us fairly and equally, and you're  
22    just not doing that.

1           The time/area closure, if you're going to put  
2   a time/area closure in effect, put it in effect for  
3   everybody. Let's move out of there, let's let these  
4   resources get back plentiful, and then maybe if some of  
5   us are still around we'll go back fishing.

6           Thank you.

7           MS. LENT: Thank you very much, Willie.

8           MS. PEEL: Rebecca, since Willie chose to make  
9   it personal I can't sit quiet and let him go.

10          MS. LENT: Ellen, just --

11          MS. PEEL: Wait, wait, wait. No, no --

12          MS. LENT: Can I get Roy Hillhouse to come up  
13   to the table while you're talking?

14          MS. PEEL: Yes, yes. Willie, I think, you  
15   know, if you would check with your own industry  
16   representatives you would find that we have been  
17   working very hard to try to come up with constructive  
18   solutions. Had the industry representative been at his  
19   appointment yesterday with us, I think we would have  
20   made additional progress.

21                 We did not have tournaments either as far as  
22   your accusation that billfish anglers kill more than

1     longline, I don't believe that and I don't think the  
2     science -- but I would appreciate, you know, not  
3     singling out the group that has worked hard to put  
4     science in to try to support constructive solutions.

5             I think other members of your own industry  
6     would recognize that there are other elements that take  
7     a different approach.

8             MS. LENT:  Ellen, I'm going to have to --  
9     let's move on, please.

10            MR. ETHRIDGE:  I said I was speaking for  
11     Willie Ethridge.  I didn't say I was speaking for any  
12     organized group.

13            MS. LENT:  Roy Hillhouse, come on up.  Thank  
14     you.  We can not engage in a debate on each speaker.  
15     This is an opportunity for these folks to give their  
16     comments.  We're not going to rebut.

17            MR. HILLHOUSE:  I'm Roy Hillhouse, and I just  
18     want to say I'm strongly opposed against the cap purse  
19     seiners.  I've been working in this company for 17  
20     years and we've been taking all the quota cuts.  We  
21     took two quota cuts, general category.  They raised  
22     their quotas.  I think the seiners should get their



1 chance to get a little bit more of a quota this year.

2 That's basically all I have to say.

3 MS. LENT: Okay. Thank you, Roy. Phil  
4 Cosack, are you here?

5 MR. COSACK: Yes.

6 MS. LENT: Okay. Phil, are you on the panel  
7 at this meeting, in the advisory panel?

8 MR. COSACK: No.

9 MS. LENT: Okay, come on up. After Phil we'll  
10 have Rick Hillhouse.

11 MR. COSACK: Phil Cosack, National Fishing  
12 Association. I didn't really come to make a comment  
13 today. I came to listen. But after the discussions  
14 and the information that was passed out today, I would  
15 like to commend Nelson and the Billfish Foundation for  
16 at least trying to bring up a solution because that's  
17 what it's all about. Solutions.

18 And I have several questions that are in my  
19 mind and perhaps maybe if you don't answer them today  
20 you'll at least take time to think about answering  
21 them.

22 In the effort to reduce 50 percent on a

1     monthly basis in the Gulf of Mexico, I would wonder how  
2     you could compensate the longliner monetarily for  
3     taking that hit. That would be a very -- I would be  
4     concerned about that as an individual, and that should  
5     be something that if you were going to make a  
6     legislative move that you should consider compensation  
7     of some sort.

8             The next thing is the closure, the time/area  
9     closure for the -- from Florida to I think it's the  
10    34th parallel. I would be concerned about the  
11    additional effort that would be placed in NE-5.  
12    There's 2 million hooks now being fished in NE-5 on any  
13    given year. I believe if you look in your log books  
14    you'll see that.

15            And I would be concerned about being in the  
16    closure, where would the displaced vessels go. And  
17    more than likely they've got to make a living so they  
18    would go to NE-5, and would that effort rise from 2  
19    million to 4 million and would it affect the  
20    recreational fisheries? I think it would, and I think  
21    you have to consider that and how you're going to take  
22    care of those people that are displaced.

1           If you just take -- even if you take the 47  
2   boats out, I believe at one time it was 65 boats  
3   fishing in NE-5 and it could easily double, and that  
4   would be a problem for us in the northeast corridor and  
5   I wish you would take that into consideration.

6           Thank you.

7           MS. LENT: Thank you, Phil. Rick Hillhouse  
8   and after Rick we'll here from George Permont.

9           MR. BEIDEMAN: Rebecca, one thing (inaudible).

10          MS. LENT: Make it quick, Nelson.

11          MR. BEIDEMAN: It will be. Phil, just so you  
12   know, it's not only been TBF but the CCA and the SFA  
13   that have been working with Blue Water on this.

14          MS. LENT: Thank you. SFA?

15          A PARTICIPANT: (Inaudible.)

16          MS. LENT: ASA. Okay, thanks. Thanks for  
17   that clarification.

18          Rick.

19          MR. HILLHOUSE: I'm Rick Hillhouse and I'm a  
20   fisherman in the purse seine category. I'm completely  
21   opposed to this quota for the purse seiners. Since  
22   1982 the purse seine category has been cut by 35

1     percent, from 386 metric ton to 250, while other groups  
2     have gotten an increase as much as 110 percent for just  
3     one group.

4             Everybody is getting increases and the purse  
5     seiners have always been taking a decrease whenever  
6     other groups feel they should have a little more of the  
7     quota. The way this new purse seine cap is written,  
8     250 metric tons or 18 percent of the U.S. quota,  
9     whichever is less. So the purse seiners have no other  
10    place to go but down. The law should be 18 percent of  
11    the U.S. quota, no more, no less.

12            And the purse seine is a very historical  
13    fishery. Without the purse seiners catch from years  
14    ago there wouldn't be much of a quota to fight over.

15            Thank you.

16            MS. LENT: Thank you very much, Rick. George.  
17    And after George Permont we'll hear from Chris  
18    Ingrande.

19            MR. PERMONT: Good afternoon. My name is  
20    George Permont. I'm a commercial fishermen and fish  
21    spotter. Since 1967, 90 percent of my annual income  
22    has been dependent on the accurate and successful

1 harvest of tunas, in particular, the Atlantic bluefin  
2 tuna.

3 My principal gear method is as a fish spotter  
4 working with purse seiners; however, I have also worked  
5 with recreational, charter, and other commercial  
6 categories. My over-ocean efforts have also included  
7 aerial surveys for, among others, Woods Hole  
8 Oceanographic, Virginia Institute of Marine Sciences,  
9 the New England Aquarium, the Commonwealth of  
10 Massachusetts, and the National Marine Fisheries.

11 I have also personally funded my survey work  
12 when I thought such a response by others was  
13 inadequate. An example of that would be off of the  
14 North Carolina winter fishery in 1994, February.

15 I'm here to speak to the issue of the proposed  
16 quota cap on the purse seiners and the Atlantic bluefin  
17 tuna fishery. Prior to 1981, various seiners accounted  
18 for nearly 80 percent of all members of the tuna family  
19 caught off the U.S. Atlantic coastal waters. This  
20 historical fishing pattern with its documented landings  
21 was, in large part, the basis for the determination of  
22 the U.S. quota. The quota was initiated in 1982-82.

1                   In the 1960s and in the '70s, as many as 20  
2   seiners fished for bluefin, yellowfin and skipjack.  
3   Those of us who began the New England purse seine  
4   industry were so alarmed at the threat that those  
5   vessels in passing posed that we lobbied for quotas and  
6   restrictions.

7                   Our initiative was to protect the valuable  
8   juvenile resource even if it meant the end of our local  
9   fishery. It was the right thing to do and the results  
10   are evident. I would note that they would be more  
11   evident if there had been similar stewardship in the  
12   eastern Atlantic.

13                  We also fished for the giant Atlantic bluefin  
14   tuna and have been since the late '60s and the early  
15   '70s. When I began flying in 1972 there were no more  
16   than 20 boats using harpoon and rod and reel that tried  
17   to sell their catches of this giant fish. The seiner  
18   AA Farany was the only commercial vessel of  
19   consequence.

20                  It was the early thinking of the Farany's  
21   owners which led to the introduction of the Japanese  
22   market, the result of which is that the Atlantic

1 bluefin tuna fishery for giant fish is one of the most  
2 commercially viable fisheries on this coast.

3 In 1981 we were rewarded with a quota  
4 allocation of giants per historical entry. There were  
5 five regional seiners which were directed to equally  
6 share a 386 ton quota. That quota divided amongst five  
7 vessels amounted to less than the tonnage of fish that  
8 I caught with one boat in 1972.

9 Later, that initial quota tonnage was reduced  
10 to 301 tons. In 1996 the historical quota for the  
11 seiners was further reduced to 250 tons. No other gear  
12 method was subjected to a reduction.

13 Several written directives by Rawley Smitten,  
14 then-director of Highly Migratory Species, placed the  
15 restoration of the historical seiner quota as a  
16 priority. We are now realizing an increase in total  
17 available U.S. quota, an increase in allocation for all  
18 gear methods based on their percentage of the harvest,  
19 all gear methods, with the proposed exception of the  
20 seiners.

21 It has been suggested that the five vessels in  
22 question be capped at the current diminished level,

1     that in spite of the documented historical fishing  
2     pattern which determined the U.S. quota, that in spite  
3     of our efforts to protect the future of the juvenile  
4     fish, that in spite of our already reduced quotas and  
5     in spite of written assurances from the director, that  
6     in spite of the advisory panel's majority position of  
7     status quo for all gear allocation, the historical  
8     seiners whose foresight has enabled the fishery to grow  
9     beyond everyone's expectations, that those vessels,  
10    their owners and crews and families and the dockside  
11    support systems and various other infrastructural  
12    entities should not be rewarded incrementally is more  
13    than lamentable. It is legally challengeable.

14               I would strongly suggest that the National  
15    Marine Fisheries amend the fisheries management plan as  
16    to allow the seiners to receive their due percentage of  
17    quota; however, and I speak for myself, I do feel that  
18    this should cap when the quota returns to a mid-point  
19    between the original 386 and the current 250 tons. My  
20    suggestion would be a cap of 320 tons.

21               Thank you.

22               MS. LENT: Thank you, George. Chris Ingrande



1 and then we'll hear from Roger Hillhouse.

2 MR. INGRANDE: I'm Chris Ingrande. What he  
3 said. I'd say that the cuts are -- we definitely want  
4 to cut on our cap, on our quota. We've been cut  
5 several times. It's not -- it just hasn't been right.  
6 We've bent over backwards and I think it's time we are  
7 (inaudible).

8 Thanks.

9 MS. LENT: Thank you very much, Chris. Roger,  
10 and then we'll hear from Michael Avala.

11 MR. HILLHOUSE: My name is Roger Hillhouse and  
12 I'm a part owner in three of the purse seiners. I fly  
13 a fish spotting plane for the last 40 years, and I got  
14 caught by surprise on this meeting as I just got back  
15 from a trip so I'm a little off guard.

16 I was once an advisor just like each one of  
17 you are here a long time ago, right when we began this  
18 whole bluefin project. I enjoyed it and I took the job  
19 just as serious as you're probably doing. Kind of like  
20 a freshman congressman and you're going to go out and  
21 change the world.

22 But somehow or another it didn't quite work

1     that way. Year one we passed a quota and we also  
2     passed a size limit. We were very proud of ourselves.  
3     But then from that time on we put forward a number of  
4     very solid and constructive suggestions, and I'm sure  
5     you guys do the same thing and then you wonder what  
6     happened to them. They never get to the floor because  
7     sometimes they don't fit somebody's agenda.

8             And this agenda right now is catching us purse  
9     seiners in a very awkward position. We really don't  
10    know how to fight back and there isn't any way, so we  
11    ask people like you to meet us half way and be fair.  
12    And you voted -- well, let's go on down with what I  
13    wrote down.

14            Maybe a half to two thirds of you are  
15    government people in some layer associated in state  
16    regulations or whatever, and you know the feeling when  
17    you put down a good idea and you think it will sail and  
18    then all of a sudden a group or an agenda above you  
19    somewhere buries it and you idea and thing fails.

20            This cap here appears to be a very small  
21    incidental thing. It really doesn't sound like much,  
22    but it's one heck of a lot more than it's being touted

1 to be because it's the first step into breaking  
2 historical fishing rights. It's putting the foot in  
3 the door and we're upset about it.

4 Last year you people here voted by a majority  
5 that it should be a status quo for purse seiners and  
6 you met it, but it didn't fit somebody's agenda so they  
7 put it back in another sheep's closing and it's called  
8 a cap this year. It doesn't sound like much, but it's  
9 there.

10 Personally, I think it's a slap in the face to  
11 you because you voted it once and now you're finding  
12 yourselves voting it again, and we're sweating it out  
13 to see which way you will vote because it makes a lot  
14 of difference to us whether we have a cap or whether  
15 we're treated like other people.

16 I don't think the fact that you catch a fish  
17 by a hook or you catch it by a harpoon or a net. So  
18 long as you stay within the conservation lines it  
19 shouldn't be treated any different than anybody else.

20 If I was sitting on this advisory committee I  
21 know what I'd vote. I'd vote my conscience on it. I'm  
22 going to leave that up to you. You did it the last

1 time.

2 This cap has nothing to do with conservation  
3 to start with. There is no risk to the fish. The vote  
4 on the purse seine of 250 tons should be null and void  
5 on principle if nothing else.

6 I had a number of notes but I'm trying to keep  
7 within those four minutes, so let's go to independent  
8 science and its importance. Do you ever wonder why so  
9 much pressure is put on purse seiners? I've heard it a  
10 number of times said that when we had 1 380-ton quota  
11 that we were the ones that financed a lot of the  
12 independent science. And that's correct. We did, and  
13 we'll do it again. We'll do it out of what we have.

14 We help a lot and there are conservation  
15 groups that haven't put a dime into it. Some of them  
16 are bad. I mean, it just doesn't make sense. They  
17 spend their time trying to cut us down when they could  
18 take that same money and join us and get something done  
19 at ICCAT.

20 So, anyway, we wonder why maybe we get cut  
21 down, and maybe this group or this agenda has figured  
22 out if we cut down on the money these people have,

1     maybe we won't have so much opposition with independent  
2     science. Independent science has embarrassed the  
3     National Marine Fishery Service a number of times.  
4     They're not always wrong. They are good, hardworking  
5     people but they've been shot down a number of times by  
6     -- and if we were not contributing to this science  
7     where would we all be? I can tell you. Amid doom and  
8     gloom sometimes.

9             Let's say that a few years ago they were  
10    brought before the National Academy of Science to  
11    settle the argument. Ten independent scientists, and  
12    they ruled that the cold, hard analysis was in error  
13    and the numbers needed to be adjusted. Not our cold,  
14    hard, but National Marine Fisheries.

15            MS. LENT: About one minute left, if you could  
16    wrap it up.

17            MR. HILLHOUSE: I am almost there. So amid  
18    gloom and doom we went to one of the ICCAT meetings  
19    recently. Our government recommended a cut in the quota  
20    and due to an aerial survey that ten or eleven fish  
21    spotters put together with some National Marine  
22    Fisheries money and the CORIA money, took these photos

1 of these huge schools of fish and ICCAT got so excited  
2 and says, we listen to your people, there's nothing.  
3 So these things are helped financed when people make  
4 money.

5 Now speaking of an aerial survey, I personally  
6 with another spotter put the Noah airplane on huge  
7 schools of fish, thousands and thousands of fish, line  
8 them up, tell them when to take the picture, and nobody  
9 has ever seen those pictures or ever heard of them  
10 again.

11 And that was before our aerial survey and I  
12 still have never heard what happened to them, and I can  
13 assume they had bad film. Excuse me. So we may  
14 flatter ourselves that anybody would want to kill us  
15 off just because of independent science. I think our  
16 Congress years ago settled that with check and balance  
17 of Congress, Administration, Judicial systems.

18 So what's wrong with a little independent  
19 science? It keeps us all on our toes and I say a vote  
20 no on this purse seine cap is a vote towards  
21 independent science because I guarantee every extra  
22 penny we get we spend it with East Coast Tuna on their

1 science and we welcome other groups that will join us.

2 So I hope --

3 MS. LENT: Thank you, Ray.

4 MR. HILLHOUSE: I hope you vote the way I

5 would vote if I was still on a commission.

6 MS. LENT: Thank you. Michael Avala and then

7 we'll hear from David Cabrall.

8 MR. AVALA: My name is Mike Avala. I fish on

9 the Bull Ruth and Pat (phonetic) purse seine for

10 bluefin tuna. I fished there for 20 years. I'm

11 married. I have three little kids, and I make my

12 living catching giant bluefin tuna.

13 Any cap on the purse seiners definitely

14 affects me, my family, and my income. Like I said, I

15 fished for 20 years. I believe it makes me a

16 historical participant to this fishery. And a cap

17 would eventually put me out of business.

18 The purse seine fleet has suffered many cuts

19 in the past and now that the U.S. quota is increased,

20 the seiners with a cap will receive no quota or any

21 additional tonnage.

22 And I am sure that in the future if there are

1 cuts, they are going to come look to the purse seiners  
2 first for the cuts, and I don't think that's right. If  
3 the quota goes up, we should be able to get an  
4 increase, and if the quota goes down we've always taken  
5 the increase.

6 And that's all I've got to say. I'm just  
7 totally opposed to any cap. Thank you.

8 MS. LENT: Okay, thank you, Michael. David  
9 and then we'll hear from Joseph Avala. Please correct  
10 my pronunciation of your last name. Sorry.

11 MR. CABRALL: My name is David Cabrall. I  
12 live in Westport, Mass. I'm a crew member on the  
13 fishing vessel Ruth and Pat, a vessel which  
14 participates in the purse seine fishery for Atlantic  
15 bluefin tuna.

16 I've been fishing for bluefin tuna for more  
17 than 18 years. The share I get as a crew member on the  
18 fishing vessel Ruth and Pat is critical to me and my  
19 family for it accounts for more than 95 percent of my  
20 income.

21 I would like to talk about the National Marine  
22 Fishery's proposal for the allocation of bluefin tuna



1 and, in particular, about the way which National Marine  
2 Fisheries proposed to handle allocations in a purse  
3 seine fleet in the future. National Marine Fisheries  
4 has proposed that each bluefin tuna group gets a  
5 specified percent of the overall ICCAT quota to the  
6 United States. However, the purse seine fleet would be  
7 the only gear group to be limited to a maximum tonnage,  
8 only equal to the 1998 allocation of 250 metric tons.

9 In other words, while all other gear groups  
10 would benefit proportionately from increases, the purse  
11 seiners would not. This is including the additional 43  
12 metric ton we are due to receive in 1999. It is  
13 unfair, unjust, to single out the purse seiners in this  
14 way.

15 When quota issues were discussed in the past,  
16 I'm sure that (inaudible) favored maintenance of  
17 historical allocation or status quo did not mean purse  
18 seine fleet would be frozen forever at its current  
19 level even if more quota became available from ICCAT.

20 It is completely unjust to say that the purse  
21 seine fleet must suffer along with others if the ICCAT  
22 quota is reduced, but that it can not benefit from an

1     ICCAT increase. For years we have shouldered the  
2     burden of conservation in order to help rebuild the  
3     stock. Now with conservation working, it is only fair  
4     and right that we should receive our share of the quota  
5     increase due to the success of our efforts.

6             In sum, I urge the National Marine Fishery as  
7     strongly as I can to remove the 259 metric ton ceiling  
8     on the purse seine allocation in the final regulations.  
9     Thank you for your consideration.

10            MS. LENT: Thank you, David. Joseph Avala and  
11     then we'll hear from Cory Desuzo.

12            MR. AVALA: Hi, I'm Joe Avala. I fish on Ruth  
13     and Pat and I own the Potpourri. I'm here to talk on  
14     the tuna cap.

15            The total United States tuna allocation from  
16     ICCAT was just because of the seiners. In 1982 when  
17     ICCAT wanted information or records of how much tuna  
18     was landed in the U.S., the records they had was from  
19     the seiners. So all our tuna actually came from the  
20     seiners.

21            Later on the seiners were given a quota and in  
22     1995 one of the categories went over their quota and in

1     order for the U.S. to save face they came to the  
2     seiners and I say stole or borrowed 50 or 60 ton from  
3     the seiners, with the promise that when fish came back  
4     that they would be restored to the seiners. We have  
5     letters and -- to that effect.

6             So any time that something has happened with  
7     the tuna, it's the seiners who have given up and given  
8     up and given up. Now, I've had so many things pushed  
9     on me from NMFS with swordfish, we're dragging with all  
10    their rules that take into no consideration that I have  
11    a family to support. I've only been tuna fishing now  
12    for three years but I need it because I have almost  
13    nothing else.

14            So it's a big economic loss to me although  
15    every time NMFS comes out with an economical impact  
16    it's a very small economical impact because there's  
17    only 18 people involved. Small for everybody else but  
18    not for them 18 people. And I happen to be one of  
19    them. Twice, not once.

20            So now here I am on a tuna boat. I must be  
21    poison or you must have a target on my back because  
22    wherever I go you target me out. Here we are with the

1     seiners now. We've got a little bit of fish back and  
2     we should be getting some, at least the percentage that  
3     everybody else is getting.

4             We're not trying to cut any other user groups  
5     because by working together we did get more tuna. You  
6     guys are trying to say there was only 3,000 in the  
7     whole western Atlantic and, thanks to George Permont  
8     and Marlene Lucavich and New England Aquarium and the  
9     pilots, we proved how much fish was out there. Thanks  
10    to the seiners and their affiliates again.

11            So here we are now. There's a little bit more  
12    fish and you put a cap on it so we can never go up.  
13    However, if comes the middle of August and somebody  
14    goes over and the U.S. is in danger of going its  
15    allocated amount of fish quota from ICCAT, where are  
16    you going to get it? The seiners are the only ones who  
17    haven't been out fishing. Guaranteed you go after them  
18    again. We have no guarantees.

19            All these people know it. They've told you  
20    that time and time again. But do you care? No, it  
21    don't make no difference to you. But I'll tell you it  
22    makes a big difference to me.

1           Magnuson says in Magnuson Act that everything  
2   should be done fairly. If you need to make rules to  
3   cut back on the quotas, it should all be done equitably  
4   amongst all user groups. It hasn't been. It's been  
5   the seiners.

6           It also says when the fish come back it should  
7   be done equally to all user groups. It hasn't. Not to  
8   the seiners.

9           That's all I have to say. I want to thank you  
10   for your time. I know it's all anecdotal information,  
11   but thanks anyway.

12           MS. LENT: It's very useful. Thank you,  
13   Joseph. I do appreciate the tie to the national  
14   standards, the Magnuson-Stevens Act. That's a helpful  
15   comment for everybody here.

16           Corey. Then after Corey we'll hear from Sonny  
17   Avala.

18           MR. DESUZO: Hi, my name is Corey Desuzo and  
19   I'm from Akusnut, Mass. I'm a crew member on a seiner  
20   for 11 years and I've already seen what you guys have  
21   done to us in the past with our quota. Since '91 we've  
22   taken a 40 percent cut and due to the Japanese economy

1 last year we took a 40 percent cut in pay, which we had  
2 no control over.

3 We're the ones that have taken substantial  
4 cuts in the past and now when it's time to give some  
5 fish away you want to cap us at our current level. How  
6 much more unfair do you want to make this? One of the  
7 things you're forgetting is when the U.S. quota was  
8 established in the early '80s they took the landings of  
9 the seiners to get that quota, and had there been no  
10 seiners there might not ever have been a commercial  
11 bluefin fishery in the U.S.

12 And, also, capping the seiners goes totally  
13 against the principle of traditional fishing patterns  
14 expressed in the Magnuson Act. You're playing with our  
15 livelihoods and our future.

16 The least you could do would be to do away  
17 with the purse seine cap so at least if the U.S. got  
18 more quota we could benefit from it too since we've  
19 already suffered enough.

20 Thanks.

21 MS. LENT: Thank you very much, Corey. Sonny.  
22 And then after Sonny we'll hear from George Vasoncelos.

1                   MR. AVALA: Good afternoon. My name is Sonny  
2   Avala. I'm captain of the purse seiner Ruth and Pat.  
3   I have been seining tuna since the early '60s. The  
4   brunt of my income comes from seining tuna.

5                   I want to go on record as being opposed to the  
6   cap on the purse seine fleet. I'm a former member of  
7   the ICCAT advisory board. I was also a U.S. delegate  
8   in 1982 when the original 30-year conservation  
9   management plan was drawn up.

10                  The idea of the plan was for all user groups  
11   to accept a temporary inconvenience in the name of  
12   conservation so that all user groups involved could  
13   benefit in the future as the stocks were rebuilt.

14                  The seiners have been expected to accept more  
15   than their fair share of the burden of quota cuts in  
16   the past and have done so in the name of conservation  
17   and with the intent that they would share in the  
18   expected rewards in the future as the quota increased.

19                  It was under that concept that the people  
20   involved made their occupational and business decisions  
21   and investments with an 85 ton per boat allocation.  
22   Now, once again, the new faces in NMFS have decided to

1     change the rules in the management plan.

2                 I believe for a fishery management plan to be  
3     successful requires cooperation between the fishery  
4     managers and the fishermen. Cooperation will provide  
5     good science for the fishery managers, good  
6     conservation measures for the fishery, and a lucrative  
7     fishery for the fishermen.

8                 Need we ask any more? With this proposed cap  
9     on the seine fleet the new faces in NMFS are proposing  
10    a one-way street for one user group. They are allowing  
11    for a decrease in the seiners' allocation with no  
12    chance for an increase.

13                I fail to see any act of cooperation with the  
14    purse seine fleet by the fishery managers. I think it  
15    would be a step against good science, good  
16    conservation, and the occupational and business  
17    decisions made by the fishermen involved. I ask NMFS  
18    to reconsider and remove the cap on the seiners in the  
19    name of conservation and fairness to the people  
20    involved and to treat them the same as all other user  
21    groups in all them quota adjustments. Nothing more and  
22    nothing less.



1           I feel this cap on one user group is unfair,  
2 unjust, and unacceptable. This purse seine cap  
3 directly impacts the purse seine fisherman  
4 economically, which is against the Magnuson Act. It is  
5 directly against preserving traditional fisheries,  
6 which is also against the Magnuson Act. And also it is  
7 directly against the historical fishing patterns from  
8 which the U.S. quota was originally derived at the  
9 ICCAT meetings. I was there.

10           And just for information's sake to wrap this  
11 up, I would like to say in 1981 the seiner Ruth and Pat  
12 landed approximately 24,000 bluefin. That's thousand,  
13 no hundred. In 1983 we voluntarily in the management  
14 plan, part of what I sat in on as a U.S. delegate, came  
15 up with an allocation, an individual allocation for the  
16 same boats, of approximately 330 fish. That's 330  
17 versus 24,000. There were boats that caught more than  
18 us. We didn't catch the top amount. There were people  
19 who caught more.

20           And in wrapping it up, I would just like to  
21 say the goal of U.S. fishery managers should be more  
22 fish for all user groups as the stocks continue to

1 improve. Thank you for your time and consideration.

2 MS. LENT: Thank you, Sonny. George. And  
3 then we'll hear from Matt Paquette.

4 MR. VASCONCELOS: Good afternoon. My name is  
5 George Vasconcelos. I'm a commercial fisherman on the  
6 purse seiner Ruth and Pat.

7 And here's a big surprise: I'm opposed to the  
8 proposed purse seine cap. I have counted on giant  
9 bluefin tuna for my main source of income since 1980.  
10 There are about 60 people directly involved in this  
11 historical fishery who depend on it for their main  
12 source of income.

13 In this proposal we are allocated 18 percent  
14 of the U.S. quota, which seems fair on the surface if  
15 the quota ever goes down our quota will go down  
16 proportionately. But if the quota goes up, indeed if  
17 the quota ever doubles or triples or even more, our  
18 quota can never go up.

19 The purse seine cap goes against the proposed  
20 National Marine Fishery Service objectives because it  
21 is designed to possibly wipe out this historical  
22 fishery eventually.

1                   Since 1991 we have lost about 40 percent of  
2     our quota, which had nothing to do with conservation.  
3     In 1995 we had 50 metric ton taken from us with a  
4     promise we'd get it back if the U.S. ever got more  
5     quota.

6                   Last year due to the poor Japanese economy and  
7     the weak Japanese yen, we had a 40 percent pay cut from  
8     the previous year. We have such a small quota now that  
9     anything other than a high price for our fish makes it  
10    difficult for us to make ends meet.

11                  We have done everything we can to conserve  
12    this resource. We are very selective and all the fish  
13    we catch have spawned at least once. I ask you to  
14    please help get rid of this unfair proposal for a purse  
15    seine cap.

16                  Thank you.

17                  MS. LENT: Thank you, George. And -- make it  
18    real quick, Ray. We've got a lot of people who want to  
19    talk. Thanks.

20                  A PARTICIPANT: Thank you, Rebecca. I just  
21    want to point out, what is the size of the crew of the  
22    Ruth and Pat or some of the other purse seiners?

1                   A PARTICIPANT: We have about ten on each  
2 boat.

3                   A PARTICIPANT: About ten on each boat? Thank  
4 you.

5                   A PARTICIPANT: Also (inaudible).

6                   MS. LENT: Terrific. Thank you. Very good  
7 question. Okay, Matt. And then we'll hear from Steven  
8 Avala after that.

9                   MR. PAQUETTE: My name is Matt Paquette. I'm  
10 from Fahavan, Massachusetts. I've been a crewman on  
11 the Ruth and Pat for -- since 1980. My income from  
12 bluefin is crucial to my family. It's my main source  
13 of income.

14                   Imposing this cap, you also impose a cap, a  
15 salary cap, on every man that works on a purse seiner.  
16 I don't think there's a person in this room that would  
17 want to spend the rest of their life with a salary cap.

18                   The purse seiners are a historical part of  
19 this fishery and I think the Magnuson Act calls for the  
20 preservation of historical fisheries.

21                   In past years when quota cuts were  
22 implemented, it was the seiners and the seiners only

1     that received the cuts. We have endured the brunt of  
2     the conservation burden for this fishery for a good  
3     many years now, and I think it's time we take part in  
4     the rewards brought forth by our efforts.

5             So I strongly urge this board to persuade the  
6     National Marine Fishery Service to remove the cap from  
7     the 250 tons on the purse seine quota. Thank you.

8             MS. LENT: Thank you, Matt. Steven Avala.  
9     Oh, hang on, Matt. A quick question.

10            MR. BASCO: (Inaudible) ask you a question  
11     (inaudible). What was --

12            MS. LENT: Use your mike, please, Irby.

13            MR. BASCO: Sorry. What is the length of time  
14     of your fishing season or how long do you fish?

15            MR. PAQUETTE: (Inaudible.)

16            MR. BASCO: I'm sorry?

17            MR. PAQUETTE: That varies.

18            MR. BASCO: Well, I mean, do you have --

19            MR. PAQUETTE: (Inaudible.)

20            MR. BASCO: Is it one month, two months, five  
21     months? I'm unfamiliar with the fishery.

22            MR. PAQUETTE: It's been as short as two

1 weeks. It's been as high as three months.

2 MR. BASCO: Okay, thank you.

3 MS. LENT: Okay. Steve Avala, go ahead.

4 MR. AVALA: My name is Steve Avala. I work on  
5 the seiner Ruth and Pat. I've worked there for 20  
6 years. I started there as a swordfisherman at the age  
7 of 12, and in 1980 I started tuna fishing. I have been  
8 a commercial fisherman for some of my childhood and all  
9 of my adulthood. I rely on fishing for 100 percent of  
10 my income.

11 I would like to say that I strongly oppose a  
12 cap on the purse seiners. I think it is totally  
13 inappropriate to tell people that have fought hard to  
14 rebuild the fishery that they will not share in any  
15 profits in the future for all of their efforts in the  
16 past.

17 I feel the seiners have been discriminated  
18 against enough by all the regulations we have to live  
19 with and singling us out for a quota cap is nothing  
20 less than discriminatory. I don't think any person in  
21 this room or in this country would agree to placing a  
22 quota cap or salary cap on their job, whether it be a

1 government employee, an office worker, or a commercial  
2 fisherman.

3 I think this cap has nothing to do with  
4 conservation or preservation. It's just another cheap  
5 shot by National Marine Fisheries. They're trying to  
6 destroy a very traditional fishery.

7 In closing, I ask everyone on the AP to oppose  
8 any cap on the purse seiners. Thank you.

9 MS. LENT: Thank you, Steve. Sam Mayola. I  
10 hope I pronounced that correctly. And after that we'll  
11 hear from Jule Bedrill.

12 MR. MAELLO: Good afternoon. My name is Sam  
13 Mayola. I'm a fisherman on the tuna seiner Sea Rover.  
14 I'm totally against a quota cap for the purse seine  
15 category because there is no legitimate reason for this  
16 biased action. We have been continually harassed and  
17 discriminated against because we are a minority.

18 The seiners were the major reason why the U.S.  
19 received 52 percent of the western Atlantic quota, and  
20 I have watched as quota cuts after quota cuts have been  
21 taken away from us with a promise that you will get  
22 them back when the time comes.

1           The victory at ICCAT, I believe that time is  
2   now. I believe we should return to the historical  
3   proportional distribution of 1982. I believe we should  
4   stop the redistribution of quota so as to appease a  
5   political select few. And I believe we should say no  
6   to the purse seine cap.

7           Thank you.

8           MS. LENT: Thank you very much, Sam. Jule and  
9   then after Jule we'll hear from Joey Jansowitz.

10          MR. BUDREAUX: Thank you for the opportunity  
11   to comment here today on the purse seine cap issue. My  
12   name is Jule Budreaux and I am president of the North  
13   Shore Community Tuna Association from Saugus, Mass.  
14   Our association has over 100 members, making us one of  
15   the largest organizations representing general category  
16   fishermen.

17          In addition to fishermen, we have many support  
18   businesses such as marinas, bait and tackle supplies,  
19   fish dealers, marine electronic suppliers, boat repair  
20   facilities, and other supporting organizations.

21          This September our association will host a  
22   giant bluefin tuna tournament from Gloucester. The



1     purpose of this tournament is to raise money for the  
2     Atlantic bluefin tuna research program at the New  
3     England Aquarium. We hope to sell all bluefin tuna  
4     fishermen participate in this worthy cause so that  
5     someday we may better understand the migration habits,  
6     the stock structure and biology of this magnificent  
7     fish.

8                 Now on to the purse seine cap issue. North  
9     Shore Community Tuna Association does not support this  
10    cap on the purse seine fleet. We are fully aware and  
11    recognize the important role the purse seine fleet has  
12    had in developing this fishery and the markets we have  
13    today. We respect the traditional nature of the purse  
14    seine fishery and the obviously economic importance it  
15    has on the Port of Gloucester as well as to the crews  
16    and the families of the fleet.

17                In 1997, the value of bluefin tuna landed in  
18    Gloucester was \$4,200,000, second only to the codfish  
19    at \$5 million. I am personally aware of several  
20    businesses in Gloucester that benefit substantially  
21    from the purse seine fishery and, as I have said  
22    before, we are a commercial tuna association looking

1     for the interest of the entire community.

2                 We can not see any valid reasons to penalize  
3     the purse seine fishery and the businesses and families  
4     that depend on it for this -- on it as this recovery  
5     plan moves forward.

6                 I also want to inform the advisory panel that  
7     I and many of our members attended the March public  
8     comment hearing in Gloucester on the proposed rules and  
9     that every fisherman in the room opposed this cap. We  
10    are the fishermen who directly compete commercially  
11    with the purse seiners and I think you should favorably  
12    consider our support and allow them full and equitable  
13    sharing in the U.S. bluefin quota and in any quota  
14    increase.

15                A cap on the purse seine fishery is seen by us  
16    in the general category as the first step in the  
17    process of decommercialization of the bluefin tuna  
18    industry. We in the general category don't want this to  
19    happen. North Shore Community Tuna Association does  
20    not support efforts to take anyone else's quota.

21                We firmly believe that those advocating  
22    unfairly reducing another category from its historical

1 level of participation are in the minority. We urge  
2 the advisory panel to ignore these greedy calls and  
3 intentions. We support the historical proportional  
4 sharing. We believe in the Magnuson Act also requires  
5 that National Marine Fisheries allow an equitable share  
6 of recovery benefits among all user groups. This cap  
7 is very discriminatory toward only one user group.

8           Again, I strongly urge you, the Highly  
9 Migratory Species Advisory Panel, to recommend that  
10 National Marine Fisheries eliminate the cap on the  
11 purse seiners as soon as possible. Thank you.

12           MS. LENT: Thank you, Jule. So we'll hear  
13 from Joey Jansowitz and then from Mark Porier  
14 (phonetic).

15           MR. JANSOWITZ: Hi, everybody once again on a  
16 beautiful fishing day in New England that I can't be  
17 at. My name is Joe Jansowitz. I'm the current  
18 president of the East Coast Tuna Association. I've  
19 been fishing for giant bluefins since 1966 when I was  
20 12 years old. They finally let me in the chair in 1968  
21 and I caught one.

22           I've been in the general and harpoon

1 categories since the beginning of the management  
2 regulations in the '70s. The East Coast Tuna  
3 Association's membership ranges from about 350 to 450  
4 people a year. We are the largest and the oldest New  
5 England based tuna organization and the bulk of our  
6 membership comes from general category and harpoon  
7 category members.

8 All five purse seine boats and their crews are  
9 also members, and we have charter boat category  
10 members, incidental category members. Basically, we  
11 represent everybody in the bluefin fishery.

12 Our board of directors consists of 25 members  
13 from the various fishing categories. Includes several  
14 licensed dealers also. The association was formed in  
15 1982. We have two principal objectives: to sponsor  
16 independent science on Atlantic bluefin tuna resource  
17 and to protect the traditional United States bluefin  
18 fisheries and our historical fishing patterns.

19 This means we work to fight and preserve all  
20 five historical commercial and recreational fishing  
21 categories for Atlantic bluefin. We do not want to see  
22 any traditional U.S. fisheries put out of business.

1 Obviously we recognize that all U.S. groups need more  
2 quota and the only way we can do that is to get more  
3 quota from ICCAT. We categorically reject the efforts  
4 of some to take away or steal quota from other  
5 categories.

6 East Coast Tuna is adamantly opposed to this  
7 cap on the purse seine fleet as it will destroy the  
8 historical proportional quota sharing system in place  
9 since 1982. This cap is entirely inconsistent with the  
10 fisheries management plan's objectives to minimize  
11 economic displacement, preserve traditional fisheries,  
12 and the cap will eventually dramatically distort the  
13 U.S. historical fishing pattern for bluefin.

14 I want to make this point very, very, clear to  
15 everybody here. On behalf of all of our members of the  
16 East Coast Tuna Association, bar none, that includes  
17 every category of fisherman, hundreds of general and  
18 harpoon category members, there is no legitimate  
19 justification for this cap and this blatant  
20 discrimination against one user group and one user  
21 group only must end now. Not five minutes from now.  
22 Now.

1           We strongly urge that the Highly Migratory  
2   Species Advisory Panel not to be misled by a few vocal  
3   individuals with short-sighted agenda against these  
4   boats. Purse seine boats have every right to their  
5   historical share in this fishery and the benefits  
6   resulting from the long-term, expensive recovery plan  
7   for Atlantic bluefin tuna.

8           To summarize a few, purse seine fishermen are  
9   largely responsible for the U.S. receiving 52 percent  
10  of the western quota due to their large catch history  
11  when the fish were not valuable in the '60s and early  
12  '70s. They were the first to develop the direct export  
13  market to Japan, bringing a longline freezer boat into  
14  Cape Cod Bay around 1970.

15           They also insisted at that time that the  
16  longline boat from Japan purchase not only their purse  
17  seine fish but bluefin tuna giants from everybody,  
18  including the harpooners, the handliners, and everybody  
19  else who were selling these fish for about a nickel a  
20  pound back then to the canneries.

21           They volunteered to limit -- the purse seiners  
22  volunteered to limit their production when concerns for

1 the resource developed, even though there were no  
2 regulations, the science was weak, much weaker than  
3 today, and even though their Canadian counterparts  
4 continued to fish heavily on school tuna.

5           They also gave up entirely their catch of  
6 small fish in 1982 in exchange for a modest quota on  
7 the giants. They have also been forced to bear the  
8 brunt of the quota reductions to restore the stock,  
9 seeing their quota reduced from 386 metric tons to the  
10 current level of 250, while the general category has  
11 gone up from 531 to 654 and the angling category has  
12 increased from 126 to 265 plus. They have an equitable  
13 share of the resource, not an excessive share, as some  
14 have tried to claim. Many highline vessels in the  
15 general and harpoon category, the charter boat, the  
16 angling categories, routinely exceed the purse seine  
17 shares in terms of numbers of fish caught per man and  
18 in terms of gross stock per man on an annual basis.

19           We object to this attempt to single out only  
20 the purse seine category on the basis of somebody's  
21 notion of what is fair or what should be fair for  
22 another competing group. Capping the purse seine boats

1 is simply a death sentence either in short term or long  
2 term because the fishery will not be able to compete as  
3 other category quotas rise.

4 This market is very volume-sensitive. You've  
5 got purse seine fish competing with harpoon fish,  
6 competing with handline fish, competing with rod and  
7 reel fish. If there is more fish on the market from  
8 these other categories and the purse seiners are capped  
9 at 250 tons, it becomes economically insane for them to  
10 fish.

11 I hate seeing caps on any commercial  
12 categories. I'm a commercial fisherman year round. I  
13 fish for bluefin in the summertime, obviously, but I  
14 fish for lobsters in the wintertime. And anything that  
15 limits commercial fishermen bugs the snot right out of  
16 me.

17 To continue on, I would like to tell you that  
18 our members were pleased to hear that the HMS Advisory  
19 Panel supported the status quo on allocations in  
20 January of last year. There is no better alternative  
21 to the historical proportional sharing system in place  
22 since 1981.



1           Frankly, we believe it is inappropriate for  
2     the advisory panel to engage itself in the complicated  
3     issue of shares of a resource either within a category  
4     or among categories. There is no management objective  
5     within the FMP to support this activity and we would  
6     not support a new objective to make this exercise  
7     legitimate.

8           MS. LENT: Joey, can you wrap it up in about a  
9     minute?

10          MR. JANSOWITZ: Yes, I will, Rebecca.  
11     Anything for you, dear.

12          We're also aware -- and I've seen the  
13     transcripts -- that there was some substantial  
14     opposition on the advisory panel to cap -- to the purse  
15     seine cap when it was first proposed by NMFS in early  
16     1999. We appreciate this past support and hope you can  
17     get NMFS to listen this time.

18          You should also be aware that support for the  
19     purse seine fleet was very strong at every public  
20     hearing that I attended in New England. I attended all  
21     of them except for the one at the Somerset resort.  
22     There was not one person in favor of a purse seine cap,

1     because who's next? Next year could it be the angling  
2     category in for a cap or the general category in for a  
3     cap? Who's next?

4             Okay. On behalf of the entire membership of  
5     the East Coast Tuna Association, I strongly urge the  
6     advisory panel to reject the National Marine Fisheries  
7     Service cap and support a framework regulatory action  
8     to eliminate the cap and provide the seine fleet with  
9     their 8 tons that they had due this year because we all  
10    got an increase.

11            Thank you very much for your time and  
12    consideration. Can I just --

13            MS. LENT: Thank you, Joey.

14            MR. JANSOWITZ: Can I just give my personal  
15    comments? Just one quick personal comment.

16            MS. LENT: Quick. Personal comment. Thanks.

17            MR. JANSOWITZ: Leave the sworfisherman alone,  
18    and I personally think that the purse seine cap is  
19    bogus. You want to start capping people? You cap  
20    everybody and we can start with 1985 landings of 690 in  
21    the general, 74 in the harpoon, 377 in the purse seine,  
22    133 incidental, and 149 in the angling category. Start

1     your caps there.

2                 MS. LENT:   Thank you.   Jim, I've asked that AP  
3     members address the group at the end.   Is that okay, or  
4     do you have a factual quota?

5                 MR. DONOFRIO:   I have just a direct question.

6                 MS. LENT:   Can you come to a microphone, Jim?  
7     Jim, introduce yourself.

8                 MR. DONOFRIO:   Jim Donofrio.   I'm an advisory  
9     panel member.   Joey, I have a question for you.   Do you  
10    anticipate if this cap is put into place, will there be  
11    an increase in effort on the yellowfin tuna stocks from  
12    the purse seine industry?

13                MR. JANSOWITZ:   I wouldn't think so.   Why  
14    would anything change?

15                MR. DONOFRIO:   Okay, thanks.

16                MS. LENT:   Okay.   Mark Querierre.   I didn't  
17    recognize you, Mark.   You're in your civvies today.  
18    And then we'll hear from Elden Greenberg after that.

19                MR. PORIER:   Yes, I am in my full Washington  
20    battle dress.

21                My name is Mark Porier.   I'm a commercial  
22    bluefin tuna fisherman out of Portsmouth, New

1 Hampshire, a member of the board of directors of East  
2 Coast Tuna. But today I'm here talking as Mark, the  
3 guy who fishes from Portsmouth.

4 I think that a lot of the points have already  
5 been eloquently made with regard to the history of the  
6 fishery and the opposition to the cap, which I am  
7 opposed to even as a general category fisherman.

8 And I guess I had to step back when I heard  
9 about this, and I was kind of befuddled by it all,  
10 especially as I see the increases that are scheduled  
11 over the next several years for every other category.

12 And I started asking myself why, why is this  
13 happening? And, frankly, I didn't like the answers I  
14 came up with. None of them pass the smell test. My BS  
15 detector was going off and I just did not like what I  
16 was beginning to think about our National Marine  
17 Fisheries Service.

18 And, again, I ask the question why. It can't  
19 be because of conservation. These guys have been  
20 continually cut and have made excellent strides towards  
21 the conservation of these fish. They have given us a  
22 lot of science and, again, those points have been made.

1     So it couldn't be conservation.

2                 Could it be institutional vendetta? We all  
3     know that the purse seiners have kind of embarrassed  
4     NMFS from time to time along with the spotter pilots  
5     with regard to stock assessments. I mean, we know in  
6     '93 for instance when there were four to six thousand  
7     fish in an afternoon we saw 17,000. Maybe it's payback  
8     time. I don't know. None of these answers seem to  
9     make a lot of sense.

10                And with regard to intransigence. They're not  
11    intransigent when it comes to changes. They've been  
12    changing every year practically for the last 20 years.

13                So why are we continually being faced with an  
14    agency going against one particular segment of the  
15    fishery? It simply doesn't make any sense. And,  
16    basically, I would like to leave those questions in  
17    people's minds on this AP panel because you know that  
18    you have the power to change people's lives.

19                It may sound melodramatic, but you've heard  
20    from people here today who have taken substantial pay  
21    cuts, who see their livelihood going down the tubes.  
22    You additionally hear from people who are fishing

1 commercially who believe this is the first step on a  
2 slippery slope towards full decommercialization of this  
3 fishery. I'm no conspiracy theorist, but I see it  
4 going that way.

5 I don't understand why institutionally  
6 National Marine Fisheries continually bangs on the  
7 seine boat category --

8 (End of Tape 2, Side B.)

9 MS. LENT: -- changed and we can increase the  
10 quota. Then you're right. We'd have to go back and --

11 MR. GREENBERG: Elden Greenberg. I'm a  
12 partner with the law firm of Garvey, Shubert and Behr,  
13 and I represent the East Coast Tuna Association and the  
14 owners and operators of the purse seine vessels.

15 It is always daunting to come up to speak  
16 after you've heard the heartfelt comments of people  
17 whose lives and livelihood are dependent on a fishery  
18 and, as a lawyer, have to focus on dry legalities. But  
19 those legalities are important here, and I think this  
20 committee, this panel, is faced with an important test  
21 having to do with whether Congress' solicitude for  
22 fairness and equity in allocation have any meaning at

1 all or whether they can simply be ignored by the  
2 National Marine Fisheries Service.

3 Simply stated, I believe the cap is not only  
4 unfair and discriminatory, as you have heard, but also  
5 that it can't be squared with the requirements of the  
6 Magnuson-Stevens Act. And you are faced here with a  
7 unique circumstance.

8 This is the first fishery where we have three  
9 separate provisions of the Magnuson-Stevens Act  
10 relating to fairness and equity in allocation which  
11 come together and which have to be construed and  
12 applied. You have National Standard Number Four, which  
13 you're all familiar with, which requires allocations to  
14 be fair and equitable and reasonably calculated to  
15 promote conservation.

16 Because you're dealing with a highly migratory  
17 species, you have Section 304(g) which requires that  
18 management measure "take into account traditional  
19 fishing patterns," and also, "be fair and equitable."

20 And, finally, because you are dealing with a  
21 fishery which has been declared overfished by the  
22 National Marine Fisheries Service, you have Section

1     304(e)(4) which provides that the Agency must allocate  
2     overfishing restrictions and recovery benefits fairly  
3     and equitably among sectors of the fishery.

4             I want to emphasize two things about the  
5     history of these provisions. First, in 1990 when  
6     Congress enacted Section 304(g), it stated that its  
7     goal was to recognize traditional participants. And  
8     what it intended to do was largely ratify the  
9     consistent past NMFS practice in this fishery of  
10    allocating on the basis of historical proportions among  
11    the gear groups.

12            The second point I want to emphasize about the  
13    history of these provisions relates to Section 304(e)  
14    which was adopted in 1996. And when that provision was  
15    added to the law, Congress made it clear that where  
16    groups were asked to bear the burden of restrictive  
17    measures under recovery plans then it was only fair to  
18    let them participate as well in the benefits of  
19    recovery.

20            I simply don't see how a purse seine cap is  
21    consistent with these provisions of the Magnuson-  
22    Stevens Act.



1           If in the future the quota for Atlantic  
2 bluefin tuna -- excuse me, the quota for Atlantic  
3 bluefin tuna grows, the purse seine sector will not get  
4 some benefit; it will not get a little benefit; it will  
5 get no benefit at all. That is not fair and equitable  
6 sharing in the benefits of recovery.

7           At the same time, as has been pointed out by  
8 other speakers, the traditional fishing pattern in this  
9 fishery, the historical allocations in proportion to  
10 the harvest in the early 1980s, will be more and more  
11 distorted over time until ultimately it is  
12 unrecognizable.

13           I think you'll hear more tomorrow in greater  
14 detail about the distortions which will occur as and if  
15 the quota grows, but it's absolutely clear that that  
16 distortion will be dramatic and absolutely  
17 unjustifiable in terms of the requirements of the  
18 Magnuson-Stevens Act.

19           The National Marine Fisheries Service rejected  
20 a 50 percent cut in the purse seine quota in the final  
21 HMS FMP. It rejected it because it said it resulted in  
22 a "failure to maintain traditional fishing patterns as

1 required by the Magnuson-Stevens Act."

2 Well, I am telling you that the purse seine  
3 cap suffers from precisely the same problem. Over  
4 time, it will distort the traditional fishing pattern.  
5 That patterns will not be maintained and the result is  
6 inconsistent with the requirements of the Magnuson-  
7 Stevens Act.

8 The bottom line is that no matter how you read  
9 the law, such a result can never be deemed to meet the  
10 statutory standards for allocation. It is the kind of  
11 political solution which Congress condemned in 1976  
12 when the statute was first enacted, that it condemned  
13 in 1990 when it adopted the HMS provisions, and that it  
14 condemned in 1996 when it adopted the provisions for  
15 managing overfished fisheries.

16 And I urge this panel to strike a blow for the  
17 proper interpretation of what is, after all, the  
18 fundamental law under which we must all operate, and  
19 that it strongly recommend to the Fisheries Service  
20 that the purse seine cap be removed.

21 MS. LENT: Thank you, Elden. I think we have  
22 a couple of very quick questions starting with Mau and

1     then Ray.

2                   MR. CLAVERIE: Elden, Mau Claverie. What  
3     years would you suggest as a basis for historical and  
4     traditional allocation?

5                   MR. GREENBERG: Well, the Fisheries Service  
6     used allocations during the period 1983 to 1991 as a  
7     rough basis for historical allocations. It maintained  
8     the same allocation among the gear groups during that  
9     period.

10                  MS. LENT: Okay. Ray.

11                  MR. BOGAN: Mau asked the first question for  
12     me, and that is what is historical. And I think we've  
13     arbitrarily chosen the 1980s because it's not in any  
14     way indicative of what the purse seine category was.

15                  The reason I raise that point is because,  
16     first of all, I agree with your legal analysis, and  
17     that is that we can not ultimately sustain a vote that  
18     would cap the purse seine in this way.

19                  However, I think for the record it is  
20     important to ask the next question, and that is do we  
21     actually think that we are somehow maintaining the  
22     traditional fishery in light of restrictions on certain

1 other categories, because we've heard that the purse  
2 seine category is the only one that's going to be  
3 capped.

4 The angling category in the school fishery was  
5 capped a long time ago through ICCAT and we have the  
6 most restrictive catch per the amount of participants  
7 involved. So I think it's not just the historical  
8 basis but if we talk about the recovery period I think  
9 we all have to look at a broader picture.

10 MS. LENT: Okay, we'll be debating this  
11 tomorrow morning at 8 o'clock. A quick comment by Bob  
12 Hayes and we've got to move on.

13 MR. HAYES: I preface that by saying I don't  
14 think I've got a dog in this fight so I just --

15 A PARTICIPANT: It's nice to hear that, Bob.

16 MR. HAYES: But the question I've got is is  
17 your argument the same if -- and I understand there's  
18 sort of an 8 percent increase. What if it wasn't a cap  
19 and it was a disproportionate level of increase? In  
20 other words, let's say there is an 8 percent increase  
21 overall and the purse seine quota went up 2 percent.  
22 Would your argument be the same?

1           MR. GREENBERG: It might not be as strong but  
2 it would probably be the same.

3           MR. HAYES: That's what I thought. Thanks.

4           MS. LENT: Okay, quickly, Rich.

5           MR. RUAIS: Just quick to Ray's comment, I  
6 think the angling category is in a little bit different  
7 situation because the cap is a percentage of the total  
8 so it's not really a cap; it continues to go up. As  
9 the total quota goes up, obviously 8 percent of 1,244  
10 is not as large as 8 percent of 1.387. And if the  
11 quota eventually goes --the U.S. quota eventually goes  
12 to 17 or 18 hundred tons, 8 percent of that number is  
13 also going to be higher.

14           So there is growth. It's not the same kind of  
15 cap where what they're saying in the case of the purse  
16 seiners is that it's 18.6 percent or 250, whichever is  
17 less. So they can't numerically go any higher whereas  
18 the angling category will grow as the U.S. quota grows.

19           MR. BOGAN: But for the record, it was  
20 traditionally 15 percent of that.

21           MS. LENT: Okay. Thank you, Elden. We're all  
22 getting some mathematical brain twisters here, 8

1     percent versus 15 percent of something that's growing.

2             Jeff Oden and then we'll hear from Dewey  
3     Himelright.

4             MR. ODEN: My name is Jeff Oden. I'm a  
5     commercial fisherman from Hatteras and I'm not a very  
6     good public speaker and right now it's a pretty  
7     emotional issue for me for the simple reason that it's  
8     poetic that I ended up following the gentleman I just  
9     did. He was speaking a lot of fair and equitable.

10            And I say it's an emotional issue to me  
11     because I recently just lost two permits and I guess  
12     I've primarily lost them due to -- I was just trying to  
13     be versatile and I'm not a New York lawyer and I just  
14     didn't keep up with the paperwork. And there was  
15     another mitigating factor but I'll deal with that  
16     through the appeal process and I've been told I'll  
17     probably lose it.

18            But, you know, what I find pretty hard to  
19     fathom is all that's come down on this fishery, the  
20     longline fishery, you know, and all the talk of  
21     reducing bi-catch and bi-catch mortality and so forth  
22     and so on. And, you know, what I find pretty alarming

1     is the strange silence from the environmental community  
2     for the simple fact that there is nothing being said  
3     about recreational catch-and-release mortality.

4             Now, I mean, a lot of people try to shrug this  
5     off but I'm not ignorant to it. I used to own a  
6     charter boat and, in fact, the first two years that I  
7     did not operate it a gentleman on the advisory panel  
8     who is with HMS, he was the operator of it. But he won  
9     the Governor's Cup Billfish Conservation Series between  
10    North and South Carolina, and billfish were killed.  
11    You know, that's part of it, Conservation Series.

12            So what is the double standard that allows  
13    this particular sector to ignore -- to completely  
14    ignore the mortality in this fishery and yet takes my  
15    permits under those very same, you know, requirements?  
16    You know, it's just unfathomable to me how this panel  
17    can allow my permits to be taken and would allow me to  
18    take the same vessel and go out under a tournament  
19    format and kill a big blue marlin, bring it to the  
20    dock, and make a couple hundred thousand dollars off of  
21    it. That is just unfathomable.

22            That's pretty much -- well, there's one other

1     thing I'd like to say, and since you all have been  
2     talking about bi-catch, I'm also a shark longliner. I  
3     was lucky enough to keep that permit. You know, I  
4     almost lost my bottom fishing permit with the South  
5     Atlantic.

6             You know, I mean, you know, we're forced to  
7     fish. If you don't use every permit you're going to  
8     lose them, and if you do lose them I guess the resource  
9     suffers. But somewhere in this whole process  
10    something's wrong.

11            But, anyway, the shark laws -- I mean, the  
12    shark plan, what does that do? You all talk about  
13    reducing bi-catch. Well, all the hell you're doing  
14    there is creating it. I mean, the two seasons? What  
15    does that do? I mean, if we catch a black tip now we  
16    throw it back dead. It's absurd. And the black tip  
17    being one of the fastest growing species, as I  
18    understand it, ludicrous.

19            The other situation in it, duskie are primary  
20    -- you know, one of our favorite targets. We lose  
21    that. We're still going to catch them. We just throw  
22    them back dead and they get wasted, and you people, you



1     boggle my mind. I'm sorry.

2             Thank you.

3             MS. LENT: Thank you very much. Jeff, while  
4     you're here make sure if you want to chat with folks  
5     about limited entry, catch up with them, okay? Okay.

6             Dewey.

7             MR. HIMELRIGHT: My name is Dewey Himelright.  
8     I feel like I'm going through repetition every time I  
9     come up here, which I'm sure I am and I'm sure it's for  
10    my own good but maybe with self-satisfaction goes a  
11    long way with some people.

12            I'm not a vindictive person. I'm just a  
13    person out there that's using that resource and I have  
14    a price to pay for using that resource, it seems like.

15            The time/area closures will affect part of my  
16    fishing but I will not be affected by any boater buyout  
17    or anything like that. I see the time/area closures as  
18    something that is discriminatory, one-sided, and it  
19    just ain't right for using that ocean. I use that  
20    ocean with hooks just like the other man or woman uses  
21    that ocean with hooks, but it's just something about  
22    that commercial man, he's got a price to pay and he

1     pays dearly with it through permits, through reporting.

2     But that's part of it.

3             A lot of things as I sit around here and look  
4     at these advisory panel members, I have to take a  
5     little time and sit back and think about some of their  
6     opinions to the time/area closures.

7             And over the last six months I've read a great  
8     deal of propaganda, and this is all my personal -- what  
9     I personally believe, not what I'm associated with or  
10    anything like this. This is my personal belief of what  
11    I do on the ocean and work and who I am. I've read  
12    over a great deal of propaganda from numerous  
13    individuals or organizations that hide behind the  
14    definition of conservation that are advisory panel  
15    members.

16            And I would just like to pass this around to  
17    show how you get public sentiment to go one way or the  
18    other, how you get what one wants by getting the public  
19    turned around. And I'm tying this in with how this is  
20    the message on the time/area closures that these  
21    advisory panel members have elected to do so has also  
22    affected by livelihood and it's also Americans better

1     wake up and National Marine Fisheries because there is  
2     a resource out there that's owned by everybody in this  
3     world, not just 3 percent that can commercial fish or  
4     have a chance to do it. How about the other people in  
5     Iowa or Texas that don't have a chance to go fishing?  
6     National Marine Fishery balks or does not stand up at  
7     anything for those people or entities.

8             It just baffles me over and over how one group  
9     can be singled out and their livelihoods taken away  
10    because somebody else wants this particular area  
11    because of a high number of this or a high number of  
12    that. When we go look at the data for the high number  
13    of this and the high number of that, you see one high  
14    number and one low number. It's from the commercial  
15    man that uses that ocean.

16            When we go to look at the recreational  
17    industry and some people say oh, boy, daggone if he  
18    ain't going a good one now, he's all up in an uproar.  
19    But it's because it's the truth. When I go out there  
20    and go fishing I can't go out and there and go, well, I  
21    hope about 50 fish jumps in my boat or maybe not, but  
22    it's the things that we have to do and the price we pay

1     for using that resource, and I just feel like and I  
2     know that it's wrong what's happened. But I just hope  
3     through maybe investigations or maybe through higher  
4     authorities or something it can get changed around. I  
5     guess it's the only thing to hope for.

6             And for some people that wonder why I get like  
7     I do, I read a lot of this stuff -- and I'll pass it  
8     around and hopefully would like to get it back. And if  
9     you don't want to look at it, fine if you do. But this  
10    is stuff that's put out through the public. The top of  
11    it says, "Government fights to protect longlining."  
12    And I'll pass it around and would just like to get it  
13    back if I could.

14            And that's the types of propaganda that's  
15    being put out through the public. That's how you get  
16    the 10,000 comments. That's how you get it. Pure and  
17    simple.

18            Thank you.

19            MS. LENT: Thank you, Dewey. Okay, wait.  
20    We'll now go to the advisory panel members who have  
21    signed up to speak. I think if you each take five  
22    minutes we'll have just enough time to wrap it up.

1           Mau, five minutes.

2           MR. CLAVERIE: (Inaudible.)

3           MS. LENT: Have you spoken?

4           A PARTICIPANT: (Inaudible.)

5           A PARTICIPANT: (Inaudible.)

6           MS. LENT: Oh.

7           A PARTICIPANT: Rebecca --

8           MS. LENT: Am I missing some slips?

9           A PARTICIPANT: Did you lose my name?

10          MS. LENT: I don't have it.

11          A PARTICIPANT: (Inaudible.)

12          MS. LENT: I don't have Vince -- come on up,

13 Vince.

14          A PARTICIPANT: Was that by design, Rebecca?

15          MS. LENT: Absolutely not, Vince. Raise your

16 hand if you signed up to sleep -- to sleep -- to speak

17 and I don't have your slip.

18          Vince.

19          A PARTICIPANT: (Inaudible) I get equal time.

20          MS. LENT: Okay. Go, Vince.

21          MR. PYLE: Vince Pyle, fish dealer and boat

22 owner, a southern swordfisherman. I thought we were

1 the only user group that was abused. I realize now  
2 that maybe the purse seiner might have a bit of an  
3 argument. At least I don't feel alone.

4 User groups being treated equally I think is  
5 probably one of the most critical things this panel and  
6 this agency can do. I don't know anything about purse  
7 seining or the fishery, but if they are being  
8 discriminated against while other user groups are being  
9 rewarded, I find that an atrocity.

10 I find that the longliners have been put in  
11 the spotlight because of the tremendous reporting that  
12 we have always done. I look at all the user groups in  
13 HMS and I can't find any data on effort, I can't find  
14 any data on their effect of mortality, but we can find  
15 specific exact data on the longliners. Every bit of  
16 the data seems to have been used against us, I know is  
17 used against us.

18 Time/area closures, in my opinion, I am  
19 inherently against. I don't -- and I say that and then  
20 I think we all are because it's hard for us who get no  
21 recognition for having reduced 30-some percent our  
22 juvenile swordfish in the last decade. We get no

1 recognition for the 40-some percent reduction in  
2 illegal sized dead discards, and yet we have to hear  
3 the reports that Spain actually reports 40-some percent  
4 of their landings to (inaudible) illegal size  
5 swordfish.

6           So when we want to talk about how we can  
7 further helped the swordfish, we want to cut off  
8 100,000 square miles of the ocean or better to the U.S.  
9 swordfisherman in hopes of conservation, I can't help  
10 but say that I don't believe it will be effective. I  
11 don't believe it will be effective unless we can  
12 somehow learn to manage the species as the highly  
13 migratory species they are.

14           Nelson spoke about a billfish and people  
15 laughed, but I believe that that culture will never  
16 throw away a fish that's caught. I don't think it will  
17 ever happen. I think we are probably one of the only  
18 countries in the world that will discard a wholesome  
19 food product. I think my father would roll over in his  
20 grave if he knew that I had to discard so much  
21 wholesome food.

22           But with that said, the leaders of my industry

1 are trying to wrestle and do the right thing and figure  
2 out how to better manage such a highly migratory  
3 species. Well, knowing that our European counterparts  
4 are never going to buy into regulatory discards, maybe  
5 it's minimum sizes truthfully are not going to work.

6 So maybe time/area closures of so-called nursery  
7 grounds avoiding the interaction is the best way to go.

8 I too voted for the time/area closure in the  
9 Blue Water plan. I'm a multiple vessel owner and I  
10 deal with 20 of the 47 people on the list. It's not an  
11 exciting thing. I make an okay living. I wish we  
12 would close someplace else. But if it's really going  
13 to do that much good for the remaining industry and,  
14 more importantly, that much good for managing the stock  
15 globally, then reluctantly myself and many that I  
16 represent are behind it.

17 I don't think it's the first choice of mine  
18 but as I've worked hard on it I think it's possibly the  
19 best way to go. Now, I have to ask a question,  
20 Rebecca, and I didn't understand all of the tables that  
21 were put up today, which I was glad to see that a lot  
22 of Ph.D.s here scratched their head too, can I ask a



1     simple question?

2                   When do you plan on putting a time/area  
3     closure in effect, the agency?

4                   MS. LENT: We have a goal of trying to get a  
5     time/area closure in effect by September the 1st.  
6     That's something that we committed to in the plan.  
7     That's going to depend on how much research and input  
8     and clear guidance and answers are going to come out of  
9     these analyses, Vince.

10                  MR. PYLE: So your goal then is to put a  
11     time/area closure in effect no matter what the industry  
12     and some of the recreational groups such as the  
13     Billfish Foundation and some of the other organizations  
14     have been working with the industry to try to come up  
15     with a most effective time/area closure which would  
16     compensate those that were the most dramatically  
17     affected? The agency then, I understand, is -- that's  
18     not as important as coming up with something by  
19     September 1st?

20                  MS. LENT: Again, we welcome and would embrace  
21     a buyback program tied in with the time/area closure.  
22     We also have a mandate under Magnuson-Stevens to

1 address bi-catch. We're going to continue working on  
2 it.

3 We hope that by being your best friend, by  
4 coming forth with a proposed rule package that analyzes  
5 all the impacts and says, look, here's one way to  
6 mitigate it with a buyout, that that is a good salvo to  
7 Capitol Hill, which I'm not allowed to do but which  
8 will help move this along so it converges to a  
9 solution. Hope so.

10 MR. PYLE: I was unaware that my specific gear  
11 type is the only in the country that has bi-catch, so  
12 the mandate to address bi-catch being -- and must be  
13 done by September 1 seems to me like we're singling out  
14 a specific group.

15 I think there is bi-catch that needs to be  
16 addressed in all fisheries in this country and I think  
17 your mandate addresses that you address bi-catch in all  
18 fisheries. And I don't see September 1 being proposed  
19 to any other fishery.

20 MS. LENT: Vince, we're running a little short  
21 on time, if you can wrap it up. Thanks.

22 MR. PYLE: That was a fast four minutes. If

1 we need to go forward, I ask every member here on the  
2 council to do it a logical way. I would hope that we  
3 don't have to end up in court and jumping off what  
4 we've worked hard to achieve and going after the  
5 agency.

6 Thank you.

7 MS. LENT: Thank you very much, Vince.

8 David Wilmot, did you want to speak at this  
9 time? Do you want to take four minutes?

10 MR. WILMOT: I think I've had my opportunity  
11 to speak.

12 MS. LENT: Okay. Irby, I got a sheet for you  
13 here.

14 MR. BASCO: Thank you, Rebecca. I'll take my  
15 (inaudible) that I'm a recreational angler. I've heard  
16 a lot of comments today. This is pertaining to the  
17 billfish. Comments today about, of course, realize  
18 that commercial entities here are hardworking people,  
19 but the people in the billfish -- for recreational  
20 billfish are hardworking people as well.

21 You ask any boat captain or deck hand, any  
22 service organization, yacht repair person, boat

1     builders, there is quite bit of activity there that  
2     lends to the economy. Billfishing is for recreational  
3     for also catch-and-release is a lot of fun, but there  
4     is also a lot of -- there's a lot of money spent and  
5     there's a lot of work involved in that.

6             There is an organization that we belong to  
7     called IGFA. I'm sure you all have heard of it. It's  
8     the world's recordkeepers. With the implementation of  
9     the length of the billfish, the blue marlin especially  
10    for 99 inches, the light-line anglers, which I am real  
11    close to one of them, I've followed her around all over  
12    the world trying to catch some world records, will be  
13    affected by this.

14            In other words, any fish that's 99 inches, a  
15    blue marlin, will probably weigh close to 300 pounds so  
16    that eliminates the two-four pound -- six -- two, four,  
17    six, eight, and possibly the 12-pound test effort to  
18    try to get a world's record. And in 11 years of world  
19    record fishing, the person I'm speaking of has killed  
20    two blue marlin. One of them was in the Pacific and  
21    one was in the Atlantic.

22            So at any rate, I just want everybody to

1     consider that the recreational angler is actually  
2     taking a hit as well on the proposed billfish amendment  
3     as well as some of the other items in the other HMS  
4     plans. So at any rate, I just want to, you know, make  
5     people aware that we are taking a hit too as well, as  
6     you all are, and I just want you to consider that in  
7     your thoughts.

8             Thank you.

9             MS. LENT: Thank you very much, Irby. And  
10    recreational billfish fisherman are also very good  
11    singers, as I discovered when I was in Texas recently.  
12    Okay.

13            Rusty Hudson.

14            MR. HUDSON: Rusty Hudson with directed shark.  
15    Basically I just want to touch on a couple of the many  
16    points that I'm concerned about on shark. I'm going to  
17    read from page 29,130 of the final rule that went out  
18    May 28th. The paragraph on the bottom left-hand side  
19    starts, "In summary, the final regulatory flexibility  
20    analysis found that overall the final actions for  
21    bluefin tuna and swordfish rebuilding in the bluefin  
22    tuna time/area closure may have some negative economic

1     impact." And if I may ad lib, any quotas associated  
2     with those two fisheries are under the perusal of a lot  
3     of international scientists.

4             In addition, the combination of final actions  
5     for sharks, quota reductions, minimum sizes, retention  
6     limits, and counting dead discards in state landings  
7     after federal closures against federal quotas may  
8     result in the elimination of the directed commercial  
9     fisheries for large coastal sharks and may  
10    substantially impact commercial fisheries for pelagic  
11    sharks and small coastal sharks in the U.S. EEZ. In  
12    addition because these regs will have a significant  
13    impact on commercial fishermen, the HMS FMP will likely  
14    also impact related parties and communities such as  
15    processors, bait and gear suppliers.

16            Basically speaking, that science is generated  
17    solely by NMFS chosen scientists and no international  
18    or independent scientists are basically involved in  
19    this process at this time when they need to be. We  
20    have put duskie on the protected species category in  
21    '96 and '97. I just received the three texts on  
22    Monday, but I found the reference that 14,000 duskies

1 are killed by the recreational in '96 and in '97. Now  
2 that those are protected species, you're basically  
3 creating a bald eagle for the recreational to become  
4 criminals.

5 Furthermore, 20 percent of those duskies  
6 tagged off the northeast have been returned from  
7 Mexico, but if you read the essential fish habitat's  
8 conclusions and documentation that was conducted by  
9 Jose Castro, duskies, sandbars, nursery grounds, none  
10 of the above exists in the western Gulf of Mexico nor  
11 do adult black tips. I find this a problem.

12 I pointed it out to Dr. Matlock two --  
13 actually three AP meetings ago, the EFH people. They  
14 never bothered to take some of Stewart Springer's  
15 stuff, Compagnio's stuff or anything else, and include  
16 it.

17 Now, the other thing I am going to touch on  
18 without going into all that other stuff is on page  
19 29,144. Under sharks, section (e), it says that the  
20 minimum size for the three allowable sharks under the  
21 ridgeback category, which is sandbar, silky, and tiger,  
22 will be 54 inches, 137 centimeter fork length.

1                   But if the head and the fins have been  
2 removed, they have now created a new measurement, 30  
3 inches, 76 centimeters, from the first dorsal fin or  
4 cartilage into the spine of the dorsal ridge mount  
5 that's left to either the precaudal pit or to the  
6 posterior edge of the carcass.

7                   I have asked -- I have not received --  
8 documentation of where that 30 inch measure comes from.  
9 Does it accurately correlate with the 137-centimeter  
10 length for the fork length measurement for live animal  
11 and, if so, is that true in all three cases of the  
12 sandbar, the silky, and the tiger, or are we going to  
13 make more criminals out of people that are a half inch  
14 off or something?

15                  Thank you.

16                  MS. LENT: Okay, thank you, Rusty. Anybody  
17 else on the panel who would like to intervene? Bob.

18                  MR. SPAETH: Bob Spaeth, Southern Offshore  
19 Fishing Association. I guess Rusty brought up the  
20 point and it's been a big stickler in my craw. I think  
21 in the swordfish, tuna, and anybody in highly migratory  
22 species why is the United States of America



1     disadvantaging, and i.e., I say its fishermen, while  
2     other countries are allowed to harvest the same species  
3     unabated?

4             And I use Mexico and Cuba on sharks and the  
5     only thing that we were told here is that we should  
6     lead the way. Well, I'm tired of leading the way and I  
7     think a lot of other people are tired of leading the  
8     way.

9             I think there is a provision in the Magnuson  
10    Act somewhere that says that our U.S. fishermen should  
11    not be more disadvantaged than foreign fishermen, and I  
12    would hope somebody would look into that if we continue  
13    on this process of disadvantaging our people here on  
14    the highly migratory species.

15            Thank you.

16            MS. LENT: Thank you, Bob. Nelson.

17            MR. BEIDEMAN: Nelson Beideman, Blue Water  
18    Fisherman's Association. A couple of things, Rebecca.  
19    For one thing, I would like to reflect on some of the  
20    remarks that Vince Pyle had made. At the recent Blue  
21    Water annual meeting we had two and a half days of  
22    absolute gut-wrenching deliberations on everything

1     that's been taking place. I was very, very proud of  
2     the group. In the end, there was a unanimous vote as  
3     far as the closed area buyout proposal to move forward.  
4     Not everybody in this fishery agrees with that vote and  
5     that position, but an organization representing the  
6     majority of the participants is moving in that  
7     direction. I'm very proud of that.

8             Another thing, Rebecca, I do have the full  
9     runs now of the live versus dead bait and I'll give you  
10    a copy of those runs so that we can have copies for  
11    discussions tomorrow. And Ellen may want a copy  
12    tonight. I only have two copies but --

13            A PARTICIPANT: (Inaudible.)

14            MR. BEIDEMAN: Yeah, and have Bill get some  
15    copies and anyone that wants to look at it tonight.

16            And last thing, I would like to go on record  
17    once again in opposition to the purse seine cap.

18            MS. LENT: Thank you, Nelson. We have a few  
19    more minutes. Anybody in the back of the room that  
20    wants to speak that didn't get a chance?

21            A PARTICIPANT: (Inaudible.)

22            MS. LENT: Leonard. Go ahead and introduce

1     yourself, Leonard.

2                   MR. INGRANDE:   Yes, my name is Leonard  
3     Ingrande.   I have been fishing for quite a while.   I  
4     started in 1943 and I want to find out why it is that  
5     the National Marine Fisheries Service keeps attacking  
6     us the way they do.   I'm just having a hard time with  
7     it.

8                   And my question is to you, Rebecca.   What is  
9     the position of your opinion on how this should run?   I  
10    mean, we talked to the advisory panel, they give their  
11    opinions.   And the first I heard about a cap was a few  
12    months ago.   We never discussed it at the scoping  
13    meetings.   We've never done any of this.

14                   I'm a very poor speaker at public speaking.  
15    That's why I prefer to write.   I just never had a thing  
16    for it.

17                   In 1943 I started fishing during World War II  
18    and then in 1950 I volunteered for the armed services  
19    during the Korean conflict.   I've fished every year  
20    since then.   I've made my livelihood from it.   And I  
21    volunteered for the armed services because I figured  
22    that was the right thing to do for my country.

1                   When I attended the meetings at ICCAT I  
2   watched NMFS manipulate, take cheap shots at us, and  
3   embarrass the American government by rulemaking in the  
4   weird places. I was invited to Washington more than  
5   once to talk on a one-on-one and the director walked  
6   out of the meeting to interview a secretary. Being  
7   Bill Gordon, Bob Ahrens (phonetic) at the time.

8                   Enough is enough. I've been abused, attacked,  
9   and in this document called a secondhand citizen.  
10   That's what I was called. Anybody here fishing more  
11   than 55 years? Stand up, please. You're pretty close  
12   to my age, maybe a little younger. All right. There's  
13   one back there. Fine. He deserves to be heard.

14                  A PARTICIPANT: (Inaudible.)

15                  MR. INGRANDE: Okay, fine. So I'm just saying  
16   that these (inaudible).

17                  A PARTICIPANT: (Inaudible.)

18                  MR. INGRANDE: Okay. You've been fishing, so  
19   you have an opinion to speak. I have my opinion to  
20   speak here. I am tired, sick and tired, of the abuse  
21   against the seiners. I was hoping that this cap I hope  
22   stops.

1                   And I'll put it in a letter form to you or in  
2 another form.

3                   Yes, Jimmy.

4                   A PARTICIPANT: (Inaudible.)

5                   MR. INGRANDE: I know your question. Go  
6 ahead.

7                   A PARTICIPANT: Leonard, I asked Joey this  
8 question before I know he's not directly involved with  
9 the purse seine. Being that you're the owner of a  
10 purse seine vessel, do you feel if this cap was  
11 implemented would your effort increase on the yellowfin  
12 fishery?

13                  MR. INGRANDE: Do I feel that? No.

14                  A PARTICIPANT: No.

15                  MR. INGRANDE: I think this cap was put in by  
16 -- wait, maybe I don't quite understand the question.  
17 But the yellowfin, Jimmy, is not the primary thing to  
18 me because right now the price of yellowfin tuna on the  
19 world market is next to nothing except on the domestic  
20 market you get a nice dollar for it.

21                  I have restrained from fishing yellowfin tuna  
22 but I have no guarantee from that lady sitting two

1     seats over from you that next year or the year after  
2     this they implement laws because I didn't participate  
3     in the fishery I'm out. I left the yellowfin alone and  
4     I gave -- I told you I would. It didn't pay to go. I  
5     try to keep the peace. I've always tried to keep the  
6     peace.

7                 Roger Hillhouse behind me, we donated our time  
8     and our effort in the time when Bob Ahrens was the  
9     director of some kind. This watch here was given to me  
10    by the Canadian Tuna Company. It's a gold watch. And  
11    they told me if I would steal fish and send them back  
12    to Canada they'd give me a gold Cadillac. Well, the  
13    Canadian tuna boats got just that, golden Cadillacs.  
14    And they stole that fish off the coast of New Jersey.  
15    This young fellow here was a baby at the time.

16                When did you start, Nelson?

17                MR. BEIDEMAN: I was seven years old.

18                MR. INGRANDE: Who was Jum-jum (phonetic)?

19                MR. BEIDEMAN: (Inaudible.)

20                MR. INGRANDE: Who was Jum-jum? Do you  
21    remember the names of the boats? Okay, and they took  
22    this fish and took it to Canada. They had a 350-ton

1     quota. They took 5,000 tons. I gave those numbers to  
2     Steve Turner eight years ago on 16th Avenue. It was  
3     never brought to the records.

4             I listed little scraps up on the wall of the  
5     National Marine Fisheries Service. It's all bogus.  
6     Those are not factual. The Canadian government which  
7     went into the record as 350 tons was 5,000. But blame  
8     the small seiners. We got blamed for everything. And  
9     we sat back and live and let live, help and try to  
10    help.

11            National Marine Fishery failed me. I went to  
12    war, received these scars, and then they fail me today.

13            MS. LENT: Leonard, can you take about another  
14    minute and wrap it up? Thank you.

15            MR. INGRANDE: I'm through. I've been done  
16    for years.

17            MS. LENT: Thank you. Just quickly one more  
18    comment. Gail, then we're going to have to wrap up for  
19    the day and get ready for tomorrow.

20            MR. JOHNSON: Thank you. Leonard is a hard  
21    act to follow here. I just wanted to say that not  
22    particularly at this advisory panel meeting but from

1 things like Dewey passed around, it's getting difficult  
2 to be made to feel like less than a human for using a  
3 particular gear type, and I sympathize with the seiners  
4 here.

5 And I repeat again, once more, that it isn't  
6 necessary the gear but the operator that determines the  
7 catch and the disposition of that catch. Longliners  
8 are about as bashed as the purse seiners. I appreciate  
9 what the purse seiners have done. I do not want to see  
10 a cap on them and I wish us all luck tomorrow in our  
11 discussions.

12 MS. LENT: Okay, thank you very much, Gail.  
13 And on that note, I will remind everybody we start  
14 tomorrow morning at 8 o'clock with a discussion on the  
15 purse seine cap.

16 HMS AP members here at 8:00 a.m. Billfish, if  
17 you want, you can join us. Otherwise, we'll see you at  
18 the coffee break at 9:30. Have a nice evening.

19 (The meeting was adjourned.)

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